

SUBMITTED FOR REVIEW

JULY 09 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

AUG 8 1986

Office of Admin Law
For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

ORD # 1285-58

FILED

In the office of the Secretary of State
of the State of California

AUG - 8 1986

At 4:49 o'clock P.M.
MARCH FONG EU, Secretary of State

By Marjorie Hershberger
Deputy Secretary of State

Department of Social Services

(AGENCY)

Linda S. McMahon

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: July 2, 1986

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

445-0313

Rosalie Clark, Chief, Office of Regulations Development

2. Type of filing. (check one) 30-day Review Emergency

- Certificate of Compliance
(Complete Part 4 below)

Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)

Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

SECTIONS ADOPTED

Title 22 Chapters 70-100 and 70-300; Sections 70-100(yy) and 70-303.8 et seq.

SECTIONS AMENDED

SECTIONS REPEALED:

REGULAR

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

70-303.8 and 70-303.845

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

No Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

No Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

Fair Political Practices Commission (Include FPPC approval stamp) Building Standards Commission (Attach approval)
 State Fire Marshall (Attach approval) Department of Finance (Attach properly signed Std. 399)
 Other _____
(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

February 7, 1986

- b. DATE OF FINAL AGENCY ACTION

July 2, 1986

- c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))

April 4-- April 21, 1986

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. Effective 30th day after filing with the Secretary of State.

b. Effective upon filing with the Secretary of State.

c. Effective on _____ as required or allowed by the following statute(s): _____

d. Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)

Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

e. Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Office of Regulations Development as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

Adopt new Subsection 70-100(yy) to read:

70-100 DEFINITIONS (Continued)

70-100

yyy "Sibling" means a brother or sister of an adoptee who was born to the same birth parent or parents of the adoptee.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Civil Code Section 230.8.

Adopt new Section 70-303.8 and Handbook material to read:

70-303 DISCLOSURE OF INFORMATION (Continued)

70-303

.8 The agency shall release to each sibling, who has attained the age of 21, the name and address of his or her biological sibling provided that at least one sibling is an adoptee and both have filed a written waiver of rights to confidentiality in accordance with Civil Code Section 230.8.

.81 Civil Code Section 230.8 reads in pertinent part as follows:

"230.8. (a) Notwithstanding any other provision of law, if an adoptee who has attained the age of 21 has filed his or her current address, a written request for contact with any biological sibling whose existence is known to him or her, and a written waiver of his or her rights with respect to the disclosure of his or her name and address to the sibling, with the State Department of Social Services or the adoption agency that joined in the petition for his or her adoption, and any such biological sibling of that person who has attained the age of 21 also has filed his or her current address, made such a request for contact, and filed a written waiver, if applicable, the department or the agency shall release to each of them the other's name and address. Upon inquiry, and upon proof that a person is the sibling of an adoptee who has filed a waiver pursuant to this section, the department or agency may advise him or her that such a waiver has been filed by the adoptee. The department or an agency may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section.

- (b) An adoptee may revoke a waiver executed pursuant to this section by giving written notice to that effect to the department or agency.
- (c) The State Department of Social Services shall not solicit the execution of a waiver authorized by this section; however, the department shall announce the availability of the procedure authorized by this section, utilizing a means of communication appropriate to effectively inform the public."

.82 A sibling may revoke his/her waiver in the same manner as the adoptee as provided for in Civil Code Section 230.8(d).

.83 Prior to releasing names and addresses of the adoptee and sibling to each other or disclosing to the sibling that a waiver has been filed by the adoptee, the agency shall verify their biological sibling relationship.

.831 Verification of the sibling relationship shall include, but not be limited to:

(a) Documentation in the agency or another adoption agency's case record;

(b) Documentation in the case record of a county welfare department; or,

(c) Birth certificate of the sibling.

.84 The agency shall obtain the consent of the birth parents of the adoptee and sibling prior to disclosing the adoptee's name and address or the existence of a waiver filed by the adoptee under the circumstance designated in Civil Code Section 230.8(c).

.841 Civil Code Section 230.8(c) reads in pertinent part as follows:

"(c) The department may adopt regulations requiring such additional means of identification from a person making a request pursuant to this section as it deems necessary, and for the obtaining of the consent of the natural parents of the adoptee and the sibling in order to make the disclosure authorized by this section in any case in which the sibling remained in the custody and control of the natural parents until he or she attained the age of 18 years."

.842 In those instances in which the sibling and adoptee have only one birth parent in common, only that birth parent's consent is necessary.

.843 If the sibling remained in the custody and control of only one birth parent until age 18, only that birth parent's consent is necessary.

- 844 The agency shall require of the sibling and birth parent(s) documentation necessary to establish the parent-child relationship before the name and address will be made available for release.
- 845 If any birth parent is deceased, the agency shall require from the sibling proof of the parent's death before the requirement for consent of that parent can be waived.
- (a) A copy of the death certificate, newspaper clipping, or other evidence of a funeral/memorial service which establishes the parent's death shall be accepted by the agency as evidence of the birth parent's death.
- 846 In cases in which the sibling did not remain in the custody and control of his/her and the adoptee's birth parent(s) until age 18 but this fact cannot be verified, the agency shall accept as evidence that the sibling did not remain in the custody and control of the adoptee's and sibling's birth parent(s) an affidavit to that effect signed by the sibling.
- (a) Prior to acceptance of such an affidavit, the agency shall inquire of the sibling the circumstances which led to the sibling's not remaining under the custody and control of the adoptee's and sibling's birth parent(s) until the sibling reached age 18. The results of the inquiry shall be documented in the case record.
- (b) The affidavit shall be signed before a notary or authorized official of the agency.
- 85 All waivers referred to in this section shall be on a form prescribed by the Department.
- 851 Agencies shall advise adoptees and siblings who have filed waivers of confidentiality prior to the availability of the form prescribed by the Department of the necessity to sign the waiver on the prescribed form and of the provisions of Civil Code Section 230.8.

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OK
K

.852 Agencies may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section in accordance with Civil Code Section 230.8(a) as found at Section 70-303.81.

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AD
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OK
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Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Civil Code Section 230.8.

852

SUBMITTED FOR REVIEW

AUG 01 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
AUG 21 1986

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION: I hereby certify that the attached
are true and correct copies of regulations
adopted, amended or repealed by this agency
and that the information specified on this Face
Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

Judie S. McPherson
(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

7/24/86

Date:

ORD #0285-10

86-0801-3R

FILED

In the office of the Secretary of State
of the State of California

AUG 22 1986

At 4:30 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Marjorie Hershberger*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

Rosalie Clark, Chief, Office of Regulations Development

445-0313

2. Type of filing, (check one)

30-day Review

Emergency

Certificate of Compliance
(Complete Part 4 below)

- Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
 Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

SECTIONS ADOPTED

Title 22

SECTIONS AMENDED

101326(f)(3) and 101326.2(a)

SECTIONS REPEALED

b. The following sections listed in 3a contain modifications to the text originally made available to the public:

APPROVED

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e). The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- No Yes, if yes, give date(s) of prior submittal(s) to OAL: March 18, 1986

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- No Yes, if yes, give date statement was submitted to OAL _____

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- Fair Political Practices Commission
(Include FPPC approval stamp) Building Standards Commission
(Attach approval)
 State Fire Marshall (Attach approval) Department of Finance (Attach properly signed Std. 399)
 Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

October 4, 1985

b. DATE OF FINAL AGENCY ACTION

July 24, 1986

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT
CODE SEC 11346.8(c))

June 27, 1986 - July 14, 1986

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. Effective 30th day after filing with the Secretary of State.
b. Effective upon filing with the Secretary of State.
c. Effective on _____ as required or allowed by the following statute(s):
d. Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Office of Regulations Development as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

Amend Section 101326(f) to read:

101326 HEALTH RELATED SERVICES (Continued)

101326

(f) In centers where the licensee chooses to handle medications:

- (1) All prescription and nonprescription medications shall be centrally stored in accordance with the requirements specified below.
 - (A) Medications shall be kept in a safe place inaccessible to children.
 - (B) Each container shall have an unaltered label.
 - (C) A refrigerator shall be used to store any medication which requires refrigeration.
- (2) All prescription and nonprescription medications shall be maintained with the child's name, and dated.
- (3) All prescription and nonprescription medications shall be administered only when approved by with the written approval and instructions from the child's parent and in accordance with the label directions as prescribed by the child's physician.
 - (A) The written document containing the approval and instructions shall be maintained in the child's record.
- (4) The licensee shall develop and implement a written plan to record the administration of prescription and nonprescription medications and to inform the parent daily when such medications have been given.
- (5) When no longer needed by the child, or when the child withdraws from the center, all medications shall be returned to the parent, or disposed of after an attempt to reach the parent.

Authority: Health and Safety Code Section 1596.81.

Reference: Health and Safety Code Sections 1596.73, 1596.72, and 1596.81.

Amend Section 101326.2(a) to read:

101326.2 ISOLATION FOR ILLNESS (Continued)

101326.2

(a) A center shall be equipped to isolate and care for any child who becomes ill during during the day.

- (1) The isolation area shall be located to afford easy supervision.
- (2) The isolation area shall be equipped with a mat, cot, couch, or bed for each ill child.
- (3) The isolation area shall not be located in the kitchen area or in the general use toilet area.

Authority: Health and Safety Code Section 1596.81.

Reference: Health and Safety Code Sections 1596.73, 1596.72, and 1596.81.

STATE OF CALIFORNIA
TD Form 400 (Rev. 8/85)

FACE SHEET

(See Instructions on Reverse)

SUBMITTED FOR REVIEW

AUG 26 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
SEP 05 1986

Office of Administrative Law

Date: August 12, 1986

EMERGENCY

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

Sandra S. McMillan

AGENCY OFFICER WITH RULEMAKING AUTHORITY

FILED

In the office of the Secretary of State
of the State of California

SEP - 5 1986

At 4:50 o'clock P.M.

MARCH FONG EU, Secretary of State

Margaret Hershberger
By Deputy Secretary of State

For use by Secretary of State only

AGENCY CONTACT PERSON FOR THIS FILING
(See Instructions)

TITLE

TELEPHONE

Rosalie Clark

Chief of the Regulations Development Bureau

445-0313

30-day Review

 EmergencyCertificate of Compliance
(Complete Part 4 below) Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below) Nonsubstantive changes with nonregulatory effect Printing Error Correction

a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:
42-645.111, .112

SECTIONS AMENDED:

40-195.215; 41-440.15(d), (e), (g), (i); 42-600.3(j), (o), (v); 42-625;

SECTIONS REPEALED:

42-655; 44-206.1(g)

b. The following sections listed in 3a contain modifications to the text originally made available to the public:

CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e)): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

 prior to the emergency adoption within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

 No Yes, if yes, give date(s) of prior submittal(s) to OAL:

Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

 No Yes, if yes, give date statement was submitted to OAL

If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

 Fair Political Practices Commission
(Include FPPC approval stamp) Building Standards Commission
(Attach approval) State Fire Marshall (Attach approval) Department of Finance (Attach properly signed Std. 399) Other _____

(SPECIFY AGENCY)

a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

Not Applicable

b. DATE OF FINAL AGENCY ACTION

August 12, 1986

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT.
CODE SEC. 11346.8(c))

Not Applicable

Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. Effective 30th day after filing with the Secretary of State.b. Effective upon filing with the Secretary of State.c. Effective on _____ as required or allowed by the following statute(s): _____d. Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)

Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

e. Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

Face Sheet, Part 3 a. continued:

42-633.32; 42-639.2; 42-640.23; 42-641.2; 42-645.11; 42-650; 42-660.521; 42-710.3(e),
(p), (v); 42-760; 42-761; 44-103.116, .117; 44-103.242; 44-206.1.

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Office of Regulations Development as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

Amend MPP Section 40-195.215 to read:

40-195 TRANSFER PROCEDURE (Continued)

40-195

•2 Steps Required to Accomplish Transfer

•21 The First County Shall: (Continued)

- 215 If the recipient is registered in accordance with Section 42-625, the CWD shall send a copy of the registration form and, when appropriate, copies of relevant documents from the WIN_Demo or GAIN case folder to the second county.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and the State IV-A Plan.

Amend MPP Sections 41-440.15(d), (e), (g), and (i) to read:

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS 41-440

.1 Definition (Continued)

.15 The following are definitions of words as used in this section (in alphabetical order). (Continued)

- (d) Exempt AFDC-U Parent -- The AFDC-U parent who is not required to be registered in accordance with Section 42-625 or with EDD-JS for employment services pursuant to Section 41-440.24.
- (e) GAIN AFDC-U Principal Earner -- The principal earner residing in a GAIN county who is required to automatically register for GAIN as a condition of eligibility.
- (f) (Continued)
- (g) Nonexempt AFDC-U Parent -- The AFDC-U parent who is required to automatically register in accordance with Section 42-625 or is required to register with EDD-JS pursuant to Section 41-440.24.
- (h) (Continued)
- (i) WIN AFDC-U Parent -- The AFDC-U parent residing in a WIN county who is required to automatically register for WIN Demo as a condition of eligibility.

See Sections 42-600.3 and 42-710.3 for additional definitions applicable to the employment programs.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553 and the State IV-A Plan.

Amend MPP Sections 42-600.3(j), (o), and (v) to read:

42-600 INTRODUCTION TO THE WORK INCENTIVE DEMONSTRATION 42-600
PROGRAM (WIN DEMO) (Continued)

•3 Definitions Used in This Chapter (Continued)

- (j) "Exempt" means that an AFDC applicant or recipient is not required to be registered for the WIN Demo program as a condition of eligibility.
- (k) (Continued)
- (l) (Continued)
- (m) (Continued)
- (n) (Continued)
- (o) "Registration" means the process whereby an that a nonexempt or volunteer AFDC applicant or recipient who is included on an AFDC Statement of Facts is automatically registered at by the CWD for WIN Demo.
- (p) (Continued)
- (q) (Continued)
- (r) (Continued)
- (s) (Continued)
- (t) (Continued)
- (u) (Continued)
- (v) "Volunteer" means an AFDC applicant or recipient who, though exempt from registration, voluntarily registers for participates in WIN Demo.
- (w) (Continued)

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553 and
the State IV-A Plan.

Amend MPP Section 42-625 to read:

42-625 WIN DEMO REGISTRATION AS A CONDITION OF AFDC ELIGIBILITY 42-625

- 1 All AFDC applicants and recipients are required to register for WIN Demo unless they are exempt. Essential persons are required to register for WIN Demo as a condition for participation in the assistance unit. Principal earners who are excluded from the assistance unit are required to register for WIN Demo to establish federal eligibility for the assistance unit to which they are related.
- 1½ When the assistance unit will not be federally eligible on the beginning date of aid solely because the principal earner has not been unemployed for 30 days, the principal earner shall be registered for WIN Demo.
- 1 The following individuals who are included on an AFDC Statement of Facts in accordance with Section 40-118 shall be automatically registered for WIN Demo:
 - 11 Nonexempt and volunteer applicants and recipients.
 - 12 Essential persons.
 - 13 Principal earners who are excluded from the assistance unit.
 - 14 Principal earners, when the assistance unit will not be federally eligible on the beginning date of aid solely because the principal earner has not been unemployed for 30 days.
- 2 An individual in the AFDC assistance unit shall be exempt from WIN Demo when he/she meets any of the criteria specified in 42-631 through 42-641.
 - 21 The principal earner who is exempt from WIN registration due to remoteness shall register with EDD-JS. If the principal earner is exempt from WIN registration due to reasons other than remoteness, he/she is not required to be registered with WIN Demo or EDD-JS.
 - 22 The principal earner who is under 16 or is a 16- through 18-year-old full-time student is not exempt under Section 42-631 or 42-632.

- 3 AFDC applicants and recipients who are eExempt from registration individuals shall have the option to register with participate in WIN Demo on a voluntary basis.
 - 31 A previously exempt recipient who changes to nonexempt status shall be automatically registered.
- 4 Applicants for AFDC who are granted aid under the Refugee Demonstration Project in lieu of AFDC, pursuant to MPP Section 40-125.6, shall have the same registration requirements as other applicants for AFDC. Such individuals shall remain registered upon transfer to the AFDC program.
- 5 Registered AFDC recipients who are transferred to the Refugee Demonstration Project pursuant to MPP Section 40-185.3 shall remain registered while receiving aid under the Refugee Demonstration Project and shall remain registered upon transfer to the AFDC program.
- 6 Individuals required to automatically registered for the Greater Avenues for Independence (GAIN) program are the same designated individuals who are required to automatically registered for WIN Demo. (Refer to Section 42-760 for GAIN registration.)
- 7 The CWD shall maintain records designating those individuals who are registered.

HANDBOOK

- 71 The records may include miscellaneous documents such as progress notes, a listing of registrant(s), a copy of the rights and responsibilities form, or other tracking methods such as computer files.

- 72 The CWD shall report data collected in accordance with SDSS reporting requirements.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11310; 45 CFR 224.20(a), (b), (c)(4); and the State IV-A Plan.

Amend MPP Section 42-633.32 to read:

42-633 EXEMPTION BASED ON ILLNESS OR INJURY (CODE 03) (Continued) 42-633

.3 Review (Continued)

- .32 If the exemption is based on .24 above, the exemption must be reviewed at the end of 30 days and, if extended, at the end of the additional 15 days. At this point in time, if the exemption based on illness or incapacity cannot be established, the individual is required to automatically becomes registered (unless exempted on a different basis).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553 and the State IV-A Plan.

Amend MPP Section 42-639.2 to read:

42-639 EXEMPTION BASED ON THE WIN DEMO REGISTRATION OF ANOTHER 42-639 INDIVIDUAL IN HOUSEHOLD (CODE 09) (Continued)

*2 Documentation

This exemption is documented by a copy of the completed MA 5-95 or the WIN Demonstration Registration and Report form showing any record which substantiates the registration of another adult relative as required by Section 42-625.7.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553 and the State IV-A Plan.

Amend MPP Section 42-640.23 to read:

42-640 EXEMPTION BASED ON WORKING 30 HOURS PER WEEK (CODE 10) 42-640
(Continued)

.2 Documentation (Continued)

- .23 If the exemption is based on .22 above, the exemption shall be reviewed at the end of 30 days and, if extended, at the end of the additional 15 days. At this point in time, if the exemption based on Code 10 cannot be established, the individual is required to automatically becomes registered unless exempt on a different basis.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553 and the State IV-A Plan.

Amend MPP Section 42-641.2 to read:

42-641 EXEMPTION BASED ON WIN DEMO REGISTRATION OF THE PRINCIPAL EARNER (CODE 11) (Continued) 42-641

•2 Documentation

This exemption is documented by a copy of the WIN Demonstration Registration and Report form showing any record which substantiates the registration of the principal earner as required by Section 42-625.7.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553 and the State IV-A Plan.

Amend MPP Section 42-645.11 and adopt .111 and .112 to read:

42-645 RECONSIDERATION OF EXEMPTION OR NONEXEMPTION 42-645

- 1 In reconsidering exempt or nonexempt status, the CWD shall:
 - 11 Notify an individual who changes from exempt to nonexempt that he/she must is registered for WIN Demo. The CWD shall use the following methods to notify the individual:
 - 111 Send a rights and responsibilities form as specified in Section 42-650.
 - 112 Schedule an appointment for a selection interview for WIN Demo employment activities. Refer to Section 42-660.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553; 45 CFR 233.10(a)(1); and the State IV-A Plan.

Amend MPP Section 42-650 to read:

42-650 WIN DEMO REGISTRATION RIGHTS AND RESPONSIBILITIES 42-650

- 1 The CWD shall register advise nonexempt and volunteer applicants and recipients that they are registered for WIN Demo.
- 2 WIN Demo registration shall include The CWD shall verbally and in writing:
 - 21 Describing the WIN Demo program including the role of the Employment Development Department for job search activities and placement.
 - 22 Informing nonexempt applicants and recipients registrants of the following rights and responsibilities:
 - 221 The penalties for failure or refusal to register refer to 42-655††
 - 222 The sanctions for failure or refusal to participate in the program (refer to 42-691)†*
 - 223 Their right to the good cause/conciliation process*
 - 2243 The right to a state hearing to contest the denial or discontinuance of AFDC benefits due to the failure or refusal to register or to participate in WIN Demo.
 - 23 Informing exempt individuals volunteer registrants of their right to voluntarily register and to withdraw such registration from WIN Demo without loss of AFDC benefits.
 - 231 Exempt individuals shall be advised to report any changes affecting their exempt status to the CWD.
 - 24 Requesting nonexempt and volunteer applicants and recipients to sign the WIN Demonstration Registration and Report form to document registration.
 - 241 Giving a copy of the form to the registrant
 - 242 If the nonexempt individual refuses to register follow procedures in 42-655*

Authority: Welfare and Institutions Code Sections 10553,
10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553; 45
CFR 224.20(c)(4); and the State IV-A Plan.

Repeal MPP Section 42-655:

42-655 PENALTIES FOR REFUSAL OR FAILURE TO REGISTER 42-655

- #1 Refusal or failure of a nonexempt primary earner to register in accordance with Section 42-625 results in the denial of disentitlement of AFDC benefits to the family.
- #2 Refusal or failure of a nonexempt individual other than the primary earner to register results in the denial of disentitlement of AFDC benefits to that individual and continues to the remainder of the assistance unit unless the AFDC-FS individual who fails to register is the only eligible child in the home in which case and to the family is denied or disentitled.
- #3 Discontinuance shall be effective as provided under an appropriate Notice of Action (see Section 22-0157).
- #4 The individual can reestablish his/her eligibility by fulfilling the required registration or by a finding of exemption.
- #5 There is no durational penalty attached to a failure or refusal to register.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553 and the State IV-A Plan.

Amend MPP Section 42-660.521 to read:

42-660 SELECTION FOR PARTICIPATION IN EMPLOYMENT ACTIVITIES 42-660
(Continued)

•5 If the registrant is selected for EDD WIN Demo participation:
(Continued)

•52 If the registrant requires supportive services such services shall be arranged for or provided prior to referral to EDD.

•521 Document the services on the WIN Demonstration Registration and Report form in the case record.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553 and the State IV-A Plan.

Amend MPP Sections 42-710.3(e), (p), and (v) to read:

42-710 INTRODUCTION TO GAIN (Continued)

42-710

.3 Definitions Used in this Chapter (Continued)

- (e) "Exempt" means that an AFDC applicant or recipient is not required to be registered for GAIN as a condition of eligibility.
- (f) (Continued)
- (g) (Continued)
- (h) (Continued)
- (i) (Continued)
- (j) (Continued)
- (k) (Continued)
- (l) (Continued)
- (m) (Continued)
- (n) (Continued)
- (o) (Continued)
- (p) "Registration" means the process whereby an that a nonexempt or volunteer AFDC applicant or recipient who is included on an AFDC Statement of Facts is automatically registered by the CWD for GAIN.
- (q) (Continued)
- (r) (Continued)
- (s) (Continued)
- (t) (Continued)
- (u) (Continued)
- (v) "Volunteer" means an AFDC applicant or recipient who, though exempt from registration, voluntarily registers for and participates in GAIN.

Authority: Welfare and Institutions Code Sections 10553,
10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553 and
the State IV-A Plan.

Amend MPP Section 42-760 to read:

42-760 GAIN AUTOMATIC REGISTRATION

42-760

- *1 The EWB shall determine whether an individual is required to register for GAIN:
 - *1 At the time an individual applies for aid or
 - *2 At the time an exempt individual becomes nonexempt or
 - *3 At the time a recipient's eligibility for aid is redetermined or
 - *4 In accordance with the county phase-in plans
- *2 The individuals required to register for GAIN are defined in Section 42-625*. The exemption criteria are listed in Sections 42-631 through 42-641*.
- *2 An exempt individual may volunteer to participate in GAIN.
- *3 At the time the determination is made, the EWB shall register nonexempt individuals and volunteers.
- *3 Registration for GAIN shall be a condition of eligibility for aid with the following exceptions:
 - *3-1 Any delay in registration due to circumstances beyond the individual's control shall not adversely affect his or her eligibility for aid.
 - *3-2 Registration for GAIN shall not be considered a condition of eligibility for any person who has not yet been phased into the program.
 - *4 The EWB shall be permitted to phase in applicants and recipients over a period of up to two years from the date GAIN is implemented in the county.
- *1 The following individuals shall be automatically registered for GAIN:
 - *1-1 Nonexempt individuals as specified in Section 42-625.1 who are listed on an AFDC Statement of Facts in accordance with Section 40-118.

.12 Exempt individuals who volunteer to participate.

HANDBOOK

.121 The exemptions criteria are listed in Sections 42-631 through 42-641.

.2 The CWD shall maintain records designating those individuals who are registered as specified in Section 42-625.7.

.43 GAIN registration shall include The CWD shall notify nonexempt and volunteer individuals in writing that they are registered for GAIN. The notification shall include:

.431 Providing a general description of the GAIN program and the availability of job, training, education, and supportive services.

.432 Advising the nonexempt The individual's of his/her rights, duties, responsibilities, and consequences of a failure or refusal to register or participate in the program.

.441 The EWB shall advise the individual of his/her right to a state hearing to contest the denial or discontinuance of AFDC benefits due to the refusal to register.

.443 Informing the exempt individual An explanation to the volunteer of the right to voluntarily register and to withdraw such registration from participation without loss of AFDC benefits.

.444 Requesting nonexempt and volunteer individuals to sign the GAIN registration form to document registration.

.4441 The EWB shall give a copy of the form to the registrant.

.4442 If the nonexempt individual refuses to register the EWB shall follow procedures in Section 42-655.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11320.1; the State IV-A Plan; and 45 CFR 224.20(c)(4).

Amend MPP Section 42-761 to read:

42-761 GAIN REGISTRANT APPRAISAL

42-761

*1 As soon as administratively possible but within 20 working days after registration the CWD shall perform the following:

*1 The CWD shall be permitted to phase registrants into participation over a period of up to two years from the date GAIN is implemented in the county.

*11 The CWD shall notify the registrant when he/she is to be phased into the program.

*111 As soon as administratively possible, but within 20 working days after the notice is given, the CWD shall appraise the registrant as specified in *3 below.

*2 After the full implementation of GAIN, the CWD shall conduct the appraisal as soon as administratively possible, but within 20 working days after registration.

*3 Within the time frames in *11 and *2 above, the CWD shall perform the following:

*31 If the federal Targeted Jobs Tax Credit/California Jobs Tax Credit programs, under which hiring a GAIN registrant may qualify an employer for an income tax credit are in effect, the CWD shall:

*311 Complete a written preliminary determination that the registrant is a member of a targeted group for purposes of the tax credit.

*312 Give the registrant a tax credit form.

*313 Advise the registrant to tell employers of the tax credit eligibility and to give the form to an employer when hired.

HANDBOOK

(a) The employer may send the form to the appropriate office for certification.

*32 Obtain information that assists in determining the status of the registrant.

*321 A self-appraisal form completed by the registrant may be used.

•‡322 The information collected shall include, but not be limited to, the following:

- (a) Questions relating to the deferral criteria listed in •‡34 below.
- (b) Whether the registrant has been employed during the past two years.
- (c) Whether the registrant was discontinued from AFDC two or more times in the past three years due to the registrant's employment.
- (d) Whether the registrant is currently participating in an educational training program.
- (e) Whether the registrant lacks basic literacy or mathematics skills, a high school diploma, or its equivalent, or English language skills.
- (f) The registrant's need for supportive services.

•‡33 Determine if the registrant should be deferred from participation based upon the criteria specified in •‡34 below.

•‡34 Reemphasize to nondeferred registrants the services available under GAIN, their responsibilities and consequences for failure or refusal to participate.

•‡35 Advise the registrants of their right to appeal, conciliate, and grieve.

•‡36 Determine which component the nondeferred registrant should be assigned to as part of the basic contract (Section 42-772).

•‡361 The CWD shall determine if the registrant lacks basic literacy or mathematics skills or English language skills by using the appropriate testing instruments provided by SDSS in conjunction with SDE.

•‡37 Identify the registrant's need for supportive services. (See Section 42-750.)

*371 The CWD shall immediately refer a registrant with a child(ren) under age 12 to the local child care resource and referral agency whether or not the individual currently requires assistance with child care services.

These individuals will be placed on child care waiting lists to ensure future availability should the need arise.

*38 Within 20 days after registration the EWD and the registrant shall enter into a basic contract with the registrant as provided in Section 42-772 unless deferred.

*34 All of the following registrants shall be deferred from mandatory participation until the CWD determines that the situation precluding participation no longer exists:

- (a) A caretaker relative who is enrolled in school for at least 12 units of credit and has a child under age six.
- (b) A person who is so seriously dependent upon alcohol or drugs that work or training is precluded.
- (c) A person who is having an emotional or mental problem that precludes participation.
- (d) A person who is involved in legal difficulties, such as court-mandated appearances, which preclude participation.
- (e) A person who does not have the legal right to work in the United States.
- (f) A person who has a severe family crisis.
- (g) A person who is in good standing in a union which controls referrals and hiring in the occupation.
- (h) A person who is temporarily laid off from a job with a definite call-back date.
- (i) A person who is employed for 15 or more hours per week.

(J) A person or a family member has a medically verified temporary illness.

- 341 The CWD may request verification of the reason for the deferral if necessary. (See Section 40-157.)
- 342 The CWD shall document the projected length of time of the deferral.
 - 3421 The CWD shall review the deferral situation periodically in accordance with the projected length of time of the deferral, but no less often than every six months.
- 343 When the deferral situation no longer exists, the registrant shall enter into a basic contract with the CWD.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11320.2(f), and the State IV-A Plan.

Amend MPP Sections 44-103.116 and .117 to read:

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION 44-103

.1 County Responsibility

.11 The county is responsible for: (Continued)

- .116 Determining good cause when an apparently eligible applicant or recipient, who is required to register in accordance with Section 42-625, does not meet all conditions of eligibility for UIB. Circumstances that may constitute good cause shall be evaluated using the criteria contained in Handbook Subsection 44-103.116(b) below.
- .117 Discontinuing or denying aid to an individual, as specified below, if: 1) the applicant or recipient does not apply for or accept any UIB to which EDD determines he/she may be eligible; or 2) the applicant or recipient, when required to register in accordance with Section 42-625, did not, without good cause, meet all conditions of eligibility for UIB (see Section 44-103.242 for the definition of "meet all conditions of eligibility for UIB").

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553 and the State IV-A Plan.

Amend MPP Section 44-103.242 to read:

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION 44-103
(Continued)

•2 Applicant and Recipient Responsibility (Continued)

•24 Applicants and Recipients who are apparently eligible for UIB: (Continued)

•242 When required to register in accordance with Section 42-625, shall meet all conditions of eligibility for UIB, unless the county determines that the individual had good cause (see Section 44-103.116).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553 and the State IV-A Plan.

Amend MPP Section 44-206.1, repeal .1(g), and renumber .1(h) through .1(n) to read:

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU) 44-206

- .1 The following persons must shall be excluded from the assistance unit (even if it would be appropriate to include them under Sections 44-205.4 or .5): (Continued)

(g) Any relative who is required to register and who is not registered in accordance with Section 42-625.

(h) (Continued)

(i) (Continued)

(j) (Continued)

(k) (Continued)

(l) (Continued)

(m) (Continued)

(n) (Continued)

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Section 10553 and the State IV-A Plan.

SUBMITTED FOR REVIEW

AUG 06 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
SEP 05 1986

Office of Administrative Law
For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

Judi S. McMechan

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: *August 5, 1986*

FILED

In the office of the Secretary of State
of the State of California

SEP - 5 1986

At 4:50 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Margorie Schubberger*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

445-0313

Rosalie Clark Chief - Regulations Development Bureau

2. Type of filing, (check one) 30-day Review Emergency Certificate of Compliance
(Complete Part 4 below)

- Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
 Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title _____
SECTIONS ADOPTED: 11-401.15, 45-301.115 and .213, 45-203.313(a), (b), and (c)

SECTIONS AMENDED: 11-005.41, 42-211.256, 45-101.1, 45-202 and 203

SECTIONS REPEALED: _____

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: 11-401.15

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

No Yes, if yes, give date(s) of prior submittal(s) to OAL: _____

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

No Yes, if yes, give date statement was submitted to OAL: _____

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- Fair Political Practices Commission (Include FPPC approval stamp) Building Standards Commission (Attach approval)
 State Fire Marshall (Attach approval) Department of Finance (Attach properly signed Std. 399)
 Other _____

(SPECIFY AGENCY)

a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER	b. DATE OF FINAL AGENCY ACTION	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
March 28, 1986	August 5, 1986	July 3 through 21, 1986

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. Effective 30th day after filing with the Secretary of State.
b. Effective upon filing with the Secretary of State.
c. Effective on _____ as required or allowed by the following statute(s): _____
d. Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Office of Regulations Development as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

Amend MPP Section 11-005.41 to read:

11-005 GOAL FOR CHILDREN IN FOSTER CARE MORE THAN TWENTY-FOUR MONTHS (Continued) 11-005

.4 Specific Goal

- .41 The goal for the maximum number of children who have been in foster care for more than twenty-four months for the period of October 1, 19856 through September 30, 19867 shall be 11,800 525 children or 386 percent of the AFDC-FC caseload, excluding guardianship cases.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 42 USCA Section 671(a)(14) and 45 CFR 1356.21(n).

Adopt MPP Section 11-401.15 to read:

11-401 FAMILY HOME RATES

11-401

.1 (Continued)

.15 Counties shall implement cost-of-living adjustments by October 1 of each fiscal year in accordance with the provisions of Section 11-401.141.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553.

Amend MPP Section 42-211.256 to read:

42-211 PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY 42-211 WHICH MAY BE RETAINED (Continued)

.2 Personal Property to be Included (Continued)

.25 All Other Personal Property Including: (Continued)

- .256 Interests in firms receivership, in undistributed estates, or in trust funds in which the applicant or recipient is a beneficiary provided such property is available.

In cases in which a trust or savings fund is established for a child pursuant to a court order providing that such money be used only for and on behalf of such minor child and be withdrawn from the account only pursuant to an order of the court, the individual in control of the fund will be expected to petition the court for an appropriate order determining the availability of the fund for the support of the child. If the individual in control refuses to initiate such a petition and the fund coupled with other nonexempt personal property holdings, if any, exceeds the statutory limits, ineligibility will result, but only for the child or children for whom the fund is held in trust. During such time as the court is being petitioned, or if the court refuses to issue a final order making the fund available for support of the child, the fund shall not be considered as personal property for purposes of eligibility determination or grant computation.

For AFDC-FC, if the individual in control of the trust refuses to petition the court, the county may do so on the child's behalf. During the time the court is being petitioned or if the fund is not made available by the court, the fund shall not be considered as personal property for purposes of eligibility determination or grant computation.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 45 CFR 233.20(a)(3)(ix).

Amend MPP Section 45-101.1(u) to read:

45-101 DEFINITIONS

45-101

.1 The following definitions shall apply to the terms used in the AFDC-FC Program: (Continued)

(u) Legal Guardian means the individual appointed guardian of the person or of the person and estate of a child by a California court pursuant to Probate Code Section 1514, or Section 1440 if guardianship was established prior to January 1, 1984; or Welfare and Institutions Code Section 366.25(e).

Generally in California, the legal guardian receives letters of guardianship pursuant to:

1. Probate Code Section 1514 or Section 1440 if guardianship was established prior to January 1, 1984; or

2. Welfare and Institutions Code Section 366.25(e).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 11401(b)(3).

Amend MPP Section 45-101.1(gg). Handbook (1)(B) to read:

45-101 DEFINITIONS

45-101

- 1 The following definitions shall apply to the terms used in the AFDC-FC Program: (Continued)

(gg) Service Plan means "case plan" as defined in Welfare and Institutions Code Section 11400(b) and 45 CFR 1356.21(d).

(1) Welfare and Institutions Code Section 11400(b) provides that a case plan means a written document in the services case record which at a minimum specifies how the child's problems or needs identified in the assessment are to be addressed including: (Continued)

(B) The agency's plan for ensuring that the child, the family and foster care provider receive services, and the appropriateness of the services provided to the child, in order to meet the child's needs while in foster care and to reunify the child with his or her family or, when reunification is not possible, to facilitate an alternate permanent plan.

RECORDED
OK

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11400(b).

Amend MPP Section 45-202.31 to read:

45-202 FEDERAL AFDC-FC PROGRAM (Continued)

45-202

.3 AFDC-FG/U Linkage Determination

- 31 The child shall have been linked to the federal AFDC-FG/U Program in the month in which the petition was filed with the juvenile court. That is, for the month in which the petition, which led to foster care placement pursuant to a detention or dispositional order, was filed, the child shall have met one of the following conditions:
 - 311 The child was living in the home of ~~the~~ parent or relative from whom removed and was eligible for and actually received federal AFDC-FG/U.
 - 312 The child was living in the home of ~~the~~ parent or relative from whom removed and would have been eligible for federal AFDC-FG/U, but the child did not actually receive these benefits because no application had been made.
 - 313 The child was no longer living in the home of ~~the~~ parent or relative from whom removed but would have been eligible for federal AFDC-FG/U based on that parent's or relative's home. However, the child did not actually receive these benefits because he/she was no longer in that home and no application was made.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 42 USCA Section 672(a).

Amend MPP Sections 45-202.411, .412, .413 to read:

45-202 FEDERAL AFDC-FC PROGRAM (Continued)

45-202

.4 Authority for Placement

- 41 The child shall be removed from the home of a parent or relative as the result of a court order which specifies:
 - 4131 tThat the responsibility for placement and care be vested in one of the agencies listed in Section 45-202.61iand
 - 4132 tThat continuance in the home of that parent or relative would be contrary to the child's welfare; and
 - 4133 tThat, if the child is placed into foster care on or after October 1, 1983, reasonable efforts have been made to prevent or eliminate the need for removal of the child from his or her home and to make it possible for the child to return to his or her home; and

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553.

Amend MPP Section 45-203.313, and adopt (a), (b), and (c) to read:

45-203 STATE AFDC-FC PROGRAM (Continued)

45-203

•3 Authority for Placement

•31 The child shall meet one of the following criteria:
(Continued)

•313 The child was placed pursuant to a court order which remains in effect * and specifies:

- (a) That the responsibility for placement and care be vested in one of the agencies listed in Section 45-203.51; and
- (b) That continuance in the home of the parent or relative from whom removed would be contrary to the child's welfare; and
- (c) That, if the child was placed into foster care on or after January 1, 1986, reasonable efforts have been made to prevent or eliminate the need for removal of the child from his or her home and to make it possible for the child to return to his or her home;

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11401.

Adopt MPP Sections 45-301.115 and .213; and renumber Section 45-301.213 to .214 to read:

45-301 ELIGIBLE PAYEES

45-301

.1 Federal AFDC-FC Program

- .11 FFP shall be available for payments made on behalf of a federally eligible child to any one of the following:
(Continued)

.115 The licensed homefinding agency which certified the exclusive-use home in which the child has been placed.

.2 State AFDC-FC Program

- .21 Under the state program, payments shall be made to:
(Continued)

.213 The nonrelated legal guardian with whom the child has been placed.

.2134 An eligible child, as his/her own payee, who is temporarily absent from an eligible facility, provided (a) and (b) below are met: (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11402.

SUBMITTED FOR REVIEW

SEP 03 1986

OFFICE OF ADMINISTRATIVE LAW
ENDORSED

APR

SEP 08 1986

Office of Administrative Law

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

John S. McPherson
(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 9/3/86

ORD 0186-02

FILED

In the office of the Secretary of State
of the State of California

SEP - 8 1986
At 4:58 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Margie Hershberger*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See Instructions)			TITLE	TELEPHONE
Rosalie Clark			Regulations Development Bureau, Chief	5-0313
2. Type of filing, (check one)			<input type="checkbox"/> 30-day Review <input type="checkbox"/> Emergency	<input checked="" type="checkbox"/> Certificate of Compliance (Complete Part 4 below)
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)				
<input type="checkbox"/> Nonsubstantive changes with nonregulatory effect			<input type="checkbox"/> Printing Error Correction	
3. a. Specify California Administrative Code title and sections as follows:				
SECTIONS ADOPTED: 44-350.122				
Title _____ SECTIONS AMENDED: 44-352.11; 44-352.411				
SECTIONS REPEALED: APPROVED				
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 44-352.111, .112, .113, .114, .116; 44-352.411				
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)				
<input type="checkbox"/> prior to the emergency adoption <input checked="" type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.				
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date(s) of prior submittal(s) to OAL: _____				
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date statement was submitted to OAL: _____				
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)				
<input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp)		<input type="checkbox"/> Building Standards Commission (Attach approval)		
<input type="checkbox"/> State Fire Marshall (Attach approval)		<input checked="" type="checkbox"/> Department of Finance (Attach properly signed Std. 399)		
<input type="checkbox"/> Other _____ (SPECIFY AGENCY)				
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER May 2, 1986		b. DATE OF FINAL AGENCY ACTION September 3, 1986	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) July 21 - August 4, 1986	
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)				
a. <input type="checkbox"/> Effective 30th day after filing with the Secretary of State.				
b. <input checked="" type="checkbox"/> Effective upon filing with the Secretary of State.				
c. <input type="checkbox"/> Effective on _____ as required or allowed by the following statute(s): _____				
d. <input type="checkbox"/> Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)				
e. <input type="checkbox"/> Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)				
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.				

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on April 9, 1986, and which became effective on April 9, 1986.

Manual of Policy and Procedures, Division 44, Chapter 44-300,
Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
44-352.11	44-350	
44-352.411		

These regulations were presented at public hearing on June 18, 1986. As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
44-352.111		
44-352.112		
44-352.113		
44-352.114		
44-352.116		
44-352.411		

Linda S. McMahon
LINDA S. McMAHON
Director

8/7/86
Date

Amend Section 44-352.11 to read:

44-352 OVERPAYMENT RECOUPMENT

44-352

.1 Calculation of the Overpayment (Continued)

.11 Overpayment due to "excess property"

when a recipient has held property in excess of eligibility limits, the overpayment shall be calculated as follows:

.111 Determine the months period of time in which the recipient held property as of the first day of the month exceeding the property maximums.

.111 For the purposes of this section, the period that the recipient held excess property includes all months in which the total property value of the same items of property exceeds limits on the first day of the month, even though there may be intervening months in which the total property value is below limits. Fluctuations in the value of individual items of property shall not affect the determination of the period of time that the recipient held excess property, so long as the same items of property are included in the total property valuation. If the recipient disposes of an item of property or acquires an item of property, a new period begins and a separate calculation is required.

.112 Determine the month within the period in which the property value, on the first day of the month, was the highest and calculate the amount by which the property held in that month exceeded the eligibility limit.

.113 Calculate the total amount of aid actually paid to the recipient during the months excess property was held, subtracting any support payments or other money received by the county which was credited against the aid payment for those months.

.114 Determine whether the recipient received aid in "good faith." The determination of "good faith" receipt of aid shall be based on a preponderance of evidence establishing that the recipient believed himself/herself to be eligible to the aid received. The county shall consider information in the case record and all other available information, including an interview with the recipient if he/she is available and willing to cooperate. The determination of "good faith" receipt of aid shall be reasonable, objective, and drawn from all available information.

(a) The county shall not determine that a recipient has received aid in "good faith" in cases where the county has informed the recipient of his/her reporting responsibilities and, under the circumstances, the recipient knew or should have known of his/her reporting responsibilities and failed to report within his/her competence. (See Section 40-105.)

(1) The following are examples of questions to be considered in making the determination. Not all questions necessarily apply in all situations.

- (A) How was the recipient informed of his/her reporting responsibilities? E.g., Mass Mailing? Personal Intake Interview? Home Visit? Never?
- (B) Is there information in the case record which indicates the recipient's apparent understanding of his/her reporting requirements with regard to property?
- (C) What is the recipient's history of reporting?
- (D) Did the recipient know the value of the property in question?

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- (E) Did county actions contribute to the situation causing the overpayment?
- (F) Is there other information about the recipient's situation that would have an influence on the determination (i.e., language/age barrier)?

•115 If the county determines that the recipient received aid in "good faith," in accordance with •114 above, the amount of the overpayment is the lesser of the amount of excess property calculated in •112 above or the total grant paid as calculated in •113 above.

- (a) Example I: An applicant owns an insurance policy that the county calculates has a cash surrender value of \$300. The applicant also has a savings account that fluctuates slightly from month to month. The combined value of all property is computed to be \$990. The applicant is granted aid of \$400 per month and accepts it in "good faith."

Two months later, upon receipt of verification of value from the insurance company, the county finds the cash surrender value of the policy is \$350. Because of the savings account the recipient has held property of \$1,040 and \$1,025 during the two months on aid. The total grant which had been paid is \$800. The highest amount by which the property exceeded the limit ($\$1,040 - 1,000 = \40) is compared with the total amount of aid paid during the time excess property was held ($\$400 \times 2 = \800). The overpayment to be recouped is the lesser amount, in this case \$40.

Example II: Recipient owned several stocks which fluctuated in value. At the time of the eligibility determination in January the combined value of property, including stocks, was computed to be \$850. The recipient was granted aid of \$100 per month. At the redetermination the

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following January, the property was investigated in detail. It was found that twice during the prior year the total property value had exceeded the property limit, both times due to fluctuations in stock value. In March, the total property was worth \$1,075 and in July worth \$1,010. Because the overpayment was caused by the same property items in both instances, the two ineligible months, although not consecutive, are considered one "period."

The total grant paid for the ineligible months is \$200. The amount by which the excess property exceeded the property limit in the month the property value was the highest is \$75. The overpayment to be recouped is the lesser amount, in this case \$75.

Example III. A recipient owns a savings account, a life insurance policy, and 18 shares of stock. An additional savings account with a balance of \$50 is established in the name of the recipient's child as a gift from a close relative. The gift was received and reported to the county in the month of May. The AFDC grant is \$400 per month. At the annual redetermination, the savings had a balance of \$300, the stock was valued at \$90, and the cash surrender value of the insurance policy was \$550, for a total of \$940 personal property. The additional \$50 savings did not appear to cause ineligibility (total property equals \$990).

At the next annual redetermination of eligibility in September, the county learned that in January, the stock increased in value to \$105 and the cash value of the insurance policy increased to \$610, for a total property value of \$1,015. In March, the stock increased to \$130, for a total property value of \$1,040. In May, claimant's savings account increased to \$308, the stock value decreased to \$95, and the child's \$50 savings account was established for a total property value of \$1,063.

Because the savings account, the stock, and the life insurance policy were the only property items held by the recipient from September through April, the period of time the recipient held excess property includes January and March for this calculation regardless of which individual items increased or decreased in value. The highest amount of excess property (\$40 in March) is less than the aid paid in both months (\$800), so the overpayment for this period is \$40.

A new period begins in May because an item of property was acquired. The excess property in this period (\$63) is less than the aid paid (\$400), so the overpayment is \$63. The total overpayment for both periods is \$103 (\$40 + \$63). A finding of good faith is assumed in this example.

- 116 If the county determines that the recipient did not receive aid in "good faith," the amount of the overpayment shall be the total grant paid during the ~~period months~~ the excess property was held, as calculated in •113 above.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10604 and 11020.

Amend Section 44-352.411 to read:

44-352 OVERPAYMENT RECOUPMENT (Continued)

44-352

.4 Methods of Recovery (Continued)

.41 Grant Adjustment:

.411 If the overpayment is to be recovered by grant adjustment the following method shall be used:

(a) Determine the FBU's total available resources in the payment month

a-111 For overpayments caused by administrative agency error, and which have been or will be recouped on or after January 1, 1986, determine the sum of the FBU's total grant amount for the payment month before overpayment adjustments, the FBU's gross earned income less any dependent care disregards as specified in Section 44-113.215 and less the standard work expense disregard as specified in Section 44-113.214, other net nonexempt income, and the FBU's liquid resources.

(2) For all other overpayments, determine the sum of the FBU's total grant amount for the payment month before overpayment adjustments, the FBU's gross earned income without application of earned income disregards, other net nonexempt income, and the FBU's liquid resources.

(b) Determine the required need allowance

b-111 Multiply the Maximum Aid Payment plus any special needs for the FBU by .90 and round the amount to the nearer dollar, unless the overpayment was caused by administrative agency error. If the overpayment was caused by administrative agency error

multiply the MAP plus any special needs for the FBU by .95 and round to the nearer dollar.

(c) Determine the maximum adjustment amount

e.(1) If the amount from Step (a) is larger than the amount in Step (b), the county may grant adjust the overpayment. The amount determined by subtracting (b) from (a) is the amount to be recovered by grant adjustment for that month unless the grant amount before adjustment or the overpayment balance is less.

(d) Adjust the aid payment

e.(1) The overpayment is to be adjusted from the current aid payment. If the current aid payment is not enough to recover the entire overpayment, then the remaining amount of the overpayment is applied to succeeding month(s) and the grant adjustment process is repeated.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10604 and 11004(c) (Stats. 1985, Ch. 1569).

.1 General

- 11 When any overpayment was discovered prior to April 2, 1982 and the maximum adjustment period had not expired prior to April 1982, adjustment shall be continued as specified in Section 44-352 as long as necessary to recover the overpayment.
- 12 When any overpayment is discovered on or after April 2, 1982, the overpayment shall be recouped in accordance with regulations in effect on the date of discovery, except as follows:
 - 121 When the overpayment is determined to be nonwillful, in accordance with regulations in effect during the month the overpayment occurred, the overpayment may not be recouped, unless the adjustment period has been extended beyond March 1982 by a State Hearing decision, if the overpayment occurred prior to the following months:
 - (a) April 1981 if the overpayment is due to excess property.
 - (b) October 1981 if the overpayment is due to factors other than excess property.
 - 122 When the overpayment is determined to be due to excess property, the overpayment is to be recouped in accordance with the regulations in Section 44-352.11.
 - (a) For cases in which an overpayment caused by excess property was recouped under former MPP Section 44-352.11, which was effective on April 2, 1982, the county shall take the following steps:
 - (1) Recompute the overpayment in accordance with the April 1986 amendments to Section 44-352.11;

- (2) Determine if the revised overpayment is less than the overpayment computed under the April 2, 1982 regulations.
- (3) If the revised overpayment is less, issue a payment to correct the underpayment for any amount which has actually been recouped which exceeds the revised overpayment amount.

Note: In accordance with the Edwards v. McMahon final court order, payments are to be issued to correct underpayments even when the family is not currently aided.

- (D) The case review, recomputation, and correction of any underpayments shall be completed as soon as possible and not later than the deadlines set forth below:
- (1) The date of the next annual redetermination of eligibility or the date of termination, whichever is earlier, for all current recipients on the effective date of this regulation;
 - (2) Sixty days from the date aid is granted for reapplications and requests for restoration of aid within one year of the effective date of this regulation;
 - (3) Sixty days from the date of a request for review in all other cases.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553, 10554, 10604, and 11020.

86-0820-1C

(See Instructions on Reverse)

SUBMITTED FOR REVIEW

AUG 20 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
SEP 16 1986

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

Jane S. McHugh (AGENCY)
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 8/19/86

ORD #0486-20

FILED

In the office of the Secretary of State
of the State of California

SEP 16 1986
At 4:49 o'clock P.M.
MARCH FONG EU, Secretary of State
By Marjorie Heidberger
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)	TITLE	TELEPHONE
Rosalie Clark	Chief, Regulations Development Bureau	445-0313
2. Type of filing, (check one)	<input type="checkbox"/> 30-day Review <input type="checkbox"/> Emergency	<input checked="" type="checkbox"/> Certificate of Compliance (Complete Part 4 below)
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below) <input type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction		
3. a. Specify California Administrative Code title and sections as follows: Title MPP SECTIONS ADOPTED: 63-059, 63-102s(1) SECTIONS AMENDED: 63-502.112, 63-503.415 SECTIONS REPEALED: <i>APPROVED</i>		
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 63-503.415 (d)		
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one) <input type="checkbox"/> prior to the emergency adoption <input checked="" type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.		
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date(s) of prior submittal(s) to OAL:		
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date statement was submitted to OAL		
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es) <input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp) <input type="checkbox"/> Building Standards Commission (Attach approval) <input type="checkbox"/> State Fire Marshall (Attach approval) <input type="checkbox"/> Department of Finance (Attach properly signed Std. 399) <input type="checkbox"/> Other _____ (SPECIFY AGENCY)		
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER May 30, 1986	b. DATE OF FINAL AGENCY ACTION AUGUST 19, 1986	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse) a. <input type="checkbox"/> Effective 30th day after filing with the Secretary of State. b. <input checked="" type="checkbox"/> Effective upon filing with the Secretary of State. c. <input type="checkbox"/> Effective on _____ as required or allowed by the following statute(s): _____ d. <input type="checkbox"/> Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).) Attach request demonstrating good cause for early effective date. Request subject to OAL approval. e. <input type="checkbox"/> Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)		

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- TAECO**
- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
 - Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
 - Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
 - b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
 - Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
 - Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
 - Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
 - Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
 - a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
 - Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
 - b. Provide the date on which the regulatory agency adopted the regulatory changes.
 - c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
 - Part 9. Effective Dates — check one of the following:
 - a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

ORD #0486-20

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on May 28, 1986, and which became effective on June 1, 1986.

Sections 63-059, 63-102s(1), 63-502.112, and 63-503.415.

No Amendments or repealers resulted from the public hearing held on July 16, 1986.



LINDA S. McMAHON

Director

Date

8/19/86

SUBMITTED FOR REVIEW

AUG 27 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
SEP 26 1986

For use of Office of Admin Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

Department of Social Services

(AGENCY)

Linda S. McMahon

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 8/25/86

ORD #0386-16

FILED

In the office of the Secretary of State
of the State of California

SEP 2 6 1986
At 3:23 o'clock M.
MARCH FONG EU, Secretary of State
By *Cathleen Patrick*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

Rosalie Clark, Chief Regulations Development Bureau

TELEPHONE

445-0313

2. Type of filing, (check one) 30-day Review Emergency Certificate of Compliance (Complete Part 4 below)

Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
 Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title 22 SECTIONS ADOPTED:

SECTIONS AMENDED:
63-409.12; 63-501.64 (Handbook); 63-502.3; 63-503.492(a)(2)(B); and 63-505.515

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: APPROVED

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

No Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

No Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

Fair Political Practices Commission (Include FPPC approval stamp) Building Standards Commission (Attach approval)
 State Fire Marshall (Attach approval) Department of Finance (Attach properly signed Std. 399)
 Other _____

(SPECIFY AGENCY)

a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER	b. DATE OF FINAL AGENCY ACTION	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8C)
May 2, 1986	August 26, 1986	August 4, 1986-August 18, 1986

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. Effective 30th day after filing with the Secretary of State.
b. Effective upon filing with the Secretary of State.
c. Effective on _____ as required or allowed by the following statute(s): _____.
d. Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
e. Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
f. Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on May 1, 1986, and which became effective on May 1, 1986.

Manual of Policy and Procedures; Division 63; Chapters 000, 300, 400, 500, and 900; Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
63-300.516	63-058	63-501.64
63-409.1-.122 et seq.	63-501.64 (Handbook)	
63-502.3, .32 and .35	63-1101.2, .3, and .5 (Handbook)	
63-503.311(b), (e), and (g)		
63-503.312(b) and .321		
63-503.492(a)(2)(A)(1) and (B)		
63-504.39 and .391(a)		
63-900.541(d)(2)		
63-1101.6 (Handbook)		

These regulations were presented at public hearing on June 18, 1986. As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
63-409.12		
63-501.64 (Handbook)		
63-502.3		
63-503.492(a)(2)(B)		
63-505.515		

Linda S. McMahon
LINDA S. MCMAHON
Director

8/25/86
Date

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

63-058 IMPLEMENTATION OF THE FOOD STAMP FARM BILL
REVISIONS (PL 99-198) - INCOME DEDUCTIONS
AND RESOURCE LIMITS

63-058

Effective May 1, 1986, the CWDs shall implement the revised provisions related to the amended income deductions and resource limits in Sections 63-300.516; 63-409.1 et seq.; 63-501.64 and .8; 63-502.3, .32; and .35; 63-503.311(b); (e), and (g); 63-503.312(b); 63-503.321; 63-503.492(a)(2)(A)(i) and (B) and (D)(2); 63-504.39 and .391(a); and 63-900.541(d)(2).

- 1 These revised provisions shall be used to calculate food stamp benefits beginning with the May 1986 allotments for new and continuing households.
- 2 If for any reason the CWD does not implement these revised provisions by May 1, 1986, households shall be provided the lost benefits which they would have received if the provisions had been implemented by that date.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18902 and 7 CFR 272.1(g)(74).

63-300 APPLICATION PROCESS (Continued)

63-300

.5 Verification (Continued)

.51 Mandatory Verification (Continued)

.516 Continuing Shelter Expenses

Those shelter costs specified in Section 63-502.35, other than utilities, shall be verified if allowing the expense could potentially result in a deduction. However, verification shall be accomplished if the amount of rent is questionable and there is strong indication that the expense could affect the amount of the deduction. Once this verification has been accomplished, the EW is not permitted to reverify this expense unless the household has moved, reported an increase in the amount of its shelter costs that would potentially affect the amount of the deduction (in which case only those changed individual costs would be reverified), or unless questionable as defined in Section 63-300.52.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10553 and 18901; 7 CFR 273.9(d)(4) and (5), and 7 CFR 273.10(e)(1)(i)(E).

Amend Section 63-409.12 to read:

63-409 INCOME AND RESOURCE MAXIMUMS

63-409

.1 Requirements for Participation

Only those households with income and resources which do not exceed the maximum income and resource eligibility standards shall be eligible to participate in the Food Stamp Program. The maximum income and resource eligibility standards are promulgated and updated by the USDA, and contained in tables reproduced in Handbook Section 63-1101.

.11 Maximum Income Eligibility Standards

CWDs shall implement the updated maximum income eligibility standards upon their effective date(s). Refer to Handbook Section 63-1101 for the most recent maximum eligibility income standards and their effective date(s).

.111 Maximum Gross Income and Net Income Eligibility Standards

The CWD shall determine the eligibility of all households, except as provided in Section 63-409.112 based first on the maximum gross income. If the household is not eligible under this test the application shall be denied. If the household is gross income eligible then the net income eligibility standards reproduced in Handbook Section 63-1101 shall be applied and appropriate denial or approval shall be made. These eligibility determinations shall be made in accordance with Sections 63-503.321 or .323, as appropriate.

.112 Maximum Net Income Eligibility Standards

The CWD shall determine the eligibility of households with a member who is elderly or disabled [as defined in Section 63-102(e)] based on the maximum net income eligibility standards reproduced in Handbook Section 63-1101. These standards shall apply if a household contains a member who is 59 years old on the date of application but who will become 60 before the end of the month of application. This eligibility

determination shall be made in accordance with Sections 63-503.322 or .323, as appropriate.

.12 Maximum Resource Eligibility Standards

The CWD shall deny participation in the Food Stamp Program to any household whose nonexempt resources determined in accordance with Section 63-501, exceed the appropriate maximum resource eligibility standards specified in federal regulation 7 CFR 273.8(b), and reproduced in Handbook Sections 63-1102.21 and .22.

- 121 For all households, except as provided in Section 63-409.122, the resource limit shall be the amount specified in Handbook Section 63-1101.22.
- 122 For any household which includes at least one member age 60 or older, the resource limit shall be the amount specified in Handbook Section 63-1101.21.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10553, 18901, and 18904; 7 CFR 273.8(a) and (b).

Amend Handbook portion of Section 63-501.64 to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.6 Transfer of Resources (Continued)

- .64 The length of the disqualification period shall be based on the amount by which nonexempt transferred resources, when added to other countable resources, exceeds the allowable resource limits.

For example, if a one-person household with \$1,250 in a bank-transferred ownership of a car worth \$5,500, \$250 of that transfer would be considered because the first \$4,500 of the car's value was exempt and an additional \$250 of the transferred asset would have been applied toward the \$2,000 resource limit.

For example, if a one-person household with \$1,250 in the bank, transferred ownership of a car worth \$5,500, \$1,000 of that transfer would be considered because the first \$4,500 of the car's value is exempt. When that \$1,000 is added to the \$1,250 in the bank and applied toward the \$2,000 resource limit, \$250 is left as excess resources and used to determine the period of disqualification.

The following chart will be used to determine the period of disqualification.

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.8 Categorical Resource Eligibility

Households in which all members receive AFDC benefits and whose income does not exceed the gross income eligibility standards in Handbook Section 63-1101 shall have satisfied the resource eligibility criteria of Section 63-501.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; 7 CFR 273.8(a) and (b).

Amend Section 63-502.3 to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

.3 Income Deductions

The CWDs shall determine food stamp benefit level pursuant to the deductions contained in this section. The standard deduction, excess medical costs, and the excess shelter deduction are promulgated and updated by the USDA. The amounts for the earned income deduction and the dependent care deduction for nonelderly households are determined by federal law and published by the USDA in 7 CFR 273.9(d)(2) and (4), respectively. The SSS shall provide the updated standard deduction, excess medical costs, earned income deduction, dependent care, and excess shelter deductions when are to be implemented upon their effective date. The current amounts are reproduced in Refer to Handbook Section 63-1101 for the most recent standard deduction, excess medical costs, maximum dependent care, excess shelter deduction and earned income deduction, and their effective dates. Deductions shall be allowed only for the following household expenses:

.31 (Continued)

.32 Earned Income Deduction. A percentage of gross earned income as defined in Section 63-502.1. Earnings excluded in Section 63-502.2 shall not be included in gross earned income for purposes of computing the earned income deduction.

.33 (Continued)

.34 Dependent Care. Payments for the actual costs for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment in compliance with the job search criteria (or an equivalent effort by those not subject to job search), or attend training or pursue education which is preparatory to employment. This deduction shall not exceed the current maximum as specified in Handbook Section 63-1101.

.35 Shelter Costs. Monthly shelter costs in excess of 50 percent of the household's income after all other applicable deductions in Sections 63-502.31, .32, .33 and .34 have been allowed. The shelter deduction shall not exceed the current maximum unless the household

contains a member who is elderly or disabled as defined in Section 63-102(e). Shelter costs shall include only the following: (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; 7 CFR 273.9(a) and (a)(4).

Amend Section 63-503.492(a)(2)(B) to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS 63-503
(Continued)

•3 (Continued)

•31 (Continued)

•311 (Continued)

(a) (Continued)

(b) Apply the earned income deduction to the total gross earned income.

(c) (Continued)

(d) (Continued)

(e) Subtract monthly dependent care expenses, if any, up to the current maximum.

(f) (Continued)

(g) Subtract the excess shelter cost (up to the current maximum) from the household's monthly income after all other deductions. The household's net monthly income has been determined.

•312 (Continued)

(a) (Continued)

(b) Apply the earned income deduction to the total gross earned income.

(c) (Continued)

(d) (Continued)

(e) (Continued)

(f) (Continued)

(g) (Continued)

(h) (Continued)

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS 63-503
(Continued)

•3 (Continued)

•32 Eligibility and Benefits

•321 Monthly income, as defined in Sections 63-502.11 and 63-503.312 shall be compared to the gross and net monthly income eligibility standard for the appropriate household size to determine eligibility for all households, except as provided in Sections 63-503.322 and •323. (See Handbook Section 63-1101 for the gross and net monthly income eligibility standards.)

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS 63-503
(Continued)

•4 (Continued)

•49 (Continued)

•492 Eligibility and Benefit Level (Continued)

(a) Income

(1) (Continued)

(2) Unearned income deemed available to the alien is determined as follows:

(A) Take the total monthly gross income of the sponsor and the sponsor's spouse (if living with the sponsor) at the time the household containing the sponsored alien member applies or is recertified for participation in the Food Stamp Program.

(i) Deduct the earned income deduction from that portion of income determined as earned income of the sponsor and the sponsor's spouse, and

(ii) (Continued)

- (B) If the alien has already reported gross income information on his/her sponsor, due to Aid to Families with Dependent Children's (AFDC) sponsored alien rules, that income amount may be used for Food Stamp Program deeming purposes. However, allowable deductions to be applied to the total gross income of the sponsor and the sponsor's spouse, prior to attributing an income amount to the alien, shall be limited to the earned income amount deduction and the Food Stamp Program gross monthly income deduction amount stated above.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10553 and 18901; 7 CFR 273.8(a) and (b), 273.9(a), (a)(4), and 273.11(h)(2)(ii).

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY 63-504
(Continued)

•3 Monthly Reporting (Continued)

•39 Mass Changes

Certain changes are initiated by the state or federal government which may affect the entire caseload or significant portions of the caseload. These changes include adjustments to the income eligibility standards, the shelter and dependent care deductions; the thrifty food plan and standard deduction; annual adjustments to the standard utility allowance; and other changes in the eligibility criteria based on legislative or regulatory actions.

•391 Federal Adjustments to Eligibility Standards, Allotments, Deductions, and State Adjustments to the Standard Utility Allowance

(a) These adjustments shall go into effect for all households at a specific point in time. Adjustments to the thrifty food plan, the standard deduction, shelter and dependent care deductions, and the maximum income eligibility standards shall be effective for all issuances upon the effective dates, as specified in Handbook Section 63-1101.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; 7 CFR 273.9(a)(4).

Amend Section 63-505.515 to read:

63-505 HOUSEHOLD RESPONSIBILITIES (Continued) 63-505

.5 (Continued)

.51 (Continued)

.515 When cash on hand, stocks, bonds and money in a checking or savings account reach or exceed a total of \$1,500 the maximum resource eligibility standard as specified in Section 63-409.12.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10553, 18901 and 18904; 7 CFR 273.8(a) and (b), and 7 CFR 273.12(a)(1)(V).

63-900 EMERGENCY FOOD STAMP ASSISTANCE IN
DISASTERS (Continued)

63-900

.5 Household Certifications (Continued)

.54 Eligibility, Certification and Allotment Determination

.541 To be eligible for emergency coupon issuance, on the date of application the household shall meet the definition of "household" contained in Section 63-402.1, and eligibility criteria (a) through (d) below: (Continued)

(d) (Continued)

(2) FNS will supply tables of maximum disaster income limits by household size. However, to manually compute maximum income limits for disaster program eligibility, the CWD shall increase the food stamp net income limit for the appropriate household size by the standard deduction, the maximum shelter and dependent care deductions. The medical deduction for elderly and disabled households, the earned income deduction, the unlimited shelter and dependent care deductions for elderly and disabled households shall not be used to compute maximum disaster income limits.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; 7 CFR 273.9(d)(4).

63-1101 TABLES OF COUPON ISSUANCE

63-1101

H

•1 USDA Adjusted Income Deductions and Maximum Net Income Standards

A

•2 Maximum Resource Eligibility Standards, effective May 1, 1986 are as follows:

N

•21 \$3,000 for all households which include at least one member aged 60 or older.

D

B

•22 \$2,000 for all other households.

O

•3 Earned Income Deduction. Effective May 1, 1986, the earned income deduction is 20 percent.

O

•4 (Continued)

K

•5 Dependent Care Deduction. Effective May 1, 1986, the maximum deductions are as follows:

O

•51 \$147 for households containing at least one elderly or disabled member, as defined in Section 63-102(e).

H

•52 \$160 for all other households.

K

•6 Excess Shelter Deduction. Effective May 1, 1986, the maximum deduction shall be \$147. This maximum deduction shall apply for all households except those containing an elderly or disabled member and it shall be adjusted annually. Households containing elderly or disabled members, are entitled to an excess shelter deduction for the monthly amount that exceeds 50 percent of the household's monthly income after all applicable deductions have been allowed (see Section 63-502.35).

H

•7 (Continued)

A

•8 (Continued)

N

•9 (Continued)

D

•10 (Continued)

B

•11 (Continued)

O

•12 (Continued)

O

K

/

SUBMITTED FOR REVIEW

SEP 04 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
OCT 6 1986

Office of Administrative Law

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

STATE DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

Jane S. McMahon

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 8/25/86

ORD #1285-62

FILED

In the office of the Secretary of State
of the State of California

OCT 6 - 1986

At 4:53 o'clock P.M.
MARCH FONG EU, Secretary of State

By *Margie Hershberger*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)	TITLE	TELEPHONE
Rosalie Clark	Regulations Development Bureau, Chief	445-0313
2. Type of filing, (check one)	<input checked="" type="checkbox"/> 30-day Review <input type="checkbox"/> Emergency	<input type="checkbox"/> Certificate of Compliance (Complete Part 4 below)
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below) <input type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction		
3. a. Specify California Administrative Code title and sections as follows:		
Title 22	SECTIONS ADOPTED: 44-340.13 - .132 et.seq.; 44-340.122, .123, and .124 and Handbook examples 1-3	
SECTIONS AMENDED: 44-317.81; 44-340.12 and .42; 44-351.3; and 44-352.125		
SECTIONS REPEALED: 44-340.13 and .14; 44-352.122, .123, and .124		
APPROVED		
b. The following sections listed in 3a contain modifications to the text originally made available to the public:	44-340.122, .123, and .124	
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)		
<input type="checkbox"/> prior to the emergency adoption <input type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.		
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?		
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date(s) of prior submittal(s) to OAL:		
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?		
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date statement was submitted to OAL		
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)		
<input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp)		<input type="checkbox"/> Building Standards Commission (Attach approval)
<input type="checkbox"/> State Fire Marshall (Attach approval)		<input checked="" type="checkbox"/> Department of Finance (Attach properly signed Std. 399)
Other _____ (SPECIFY AGENCY)		
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER	b. DATE OF FINAL AGENCY ACTION	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8c)
February 28, 1986	August 28, 1986	July 21, 1986 - August 4, 1986

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
- a. Effective 30th day after filing with the Secretary of State.
 - b. Effective upon filing with the Secretary of State.
 - c. Effective on _____ as required or allowed by the following statute(s): _____.
 - d. Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
 - e. Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
 - b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
 - a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
 - b. Provide the date on which the regulatory agency adopted the regulatory changes.
 - c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
 - a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citation(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
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FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Office of Regulations Development as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.


LINDA S. McMAHON
Director

Amend Section 44-317.81 to read:

44-317 BEGINNING DATE OF AID (Continued)

44-317

.8 Previously Denied Application is Approved

.81 Aid is paid from the date it would have been paid in accordance with the regulations in effect at the time had there been no denial after the application was denied. The county shall treat the date of denial as the date of authorization for purposes of this section.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553.

Repeal Sections 44-340.13 and .14; amend Section 44-340.12 to read; and adopt Sections 44-340.13, .131, and .132 to read:

44-340 UNDERPAYMENTS

44-340

.1 General (Continued)

- 12 Underpayments occur when the applicant or recipient ~~received receives~~ less than the amount to which he/she was ~~is~~ eligible entitled in a given month or months. Failure to apply for or request aid does not create an underpayment.
- 13 Any underpayment shall be promptly corrected if the affected assistance unit is currently eligible or would have been currently eligible if the error had not occurred. No underpayments to other former recipients shall be paid except when necessary to comply with state hearing decisions or state regulations implementing court decisions ordering retroactive payments.
- 13 The county shall take all reasonable steps necessary to correct promptly any underpayment that comes to the county's attention.
 - 131 Any underpayment which is due to the erroneous denial of an application for aid shall be corrected even though the applicant failed to perform an act constituting a condition of eligibility when such failure was caused by the denial. Acts which constitute conditions of eligibility shall include, but are not limited to those contained in Sections 40-105.21, 42-625, 43-106, 43-119.23, 44-103.23, and •24.
 - 132 For the purpose of determining the beginning date of aid for correcting an underpayment which is due to the erroneous denial of an application, see Section 44-317.8.
 - 14 Corrective payments shall be paid to a former recipient who has an outstanding underpayment and who reapplies and is found to be eligible.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553 and
Edwards v. McMahon Decision and Order.

Amend Section 44-340.32 to read:

44-340 UNDERPAYMENTS (Continued)

44-340

.4 Correction of the Underpayment (Continued)

- .42 If an assistance unit has both an underpayment and an overpayment, the county ~~may~~ shall balance one against the other before making a retroactive corrective payment.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 45 CFR 233.20(a)(13)(i)(D).

Amend Section 44-351.3 to read:

44-351 METHODS OF OVERPAYMENT RECOVERY (Continued) 44-351

.3 Balancing

When an assistance unit has both an overpayment and an payable underpayment, the county may shall offset one against the other.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 45 CFR 233.20(a)(13)(i)(D).

Repeal and adopt Sections 44-352.122, .123, and .124; amend Section 44-352.125; and adopt Handbook examples to read:

44-352 OVERPAYMENT RECOUPMENT

44-352

.1 (Continued)

.12 (Continued)

*122 From the correct aid subtract any support payments or other money received by the county when was credited against the aid payments.

*122 Subtract the correct grant amount from the amount of aid actually paid.

*123 From the aid actually paid to the recipient subtract any support payments or other money received by the county when was credited against the aid payments.

*123 Subtract any support payments or other money received by the county and credited against the aid payment from the aid actually paid.

*124 If the amount computed under *123 is more than the amount as computed in *122 above an overpayment exists.

The amount of the overpayment for each month is the difference between *122 and *123.

*124 The total overpayment for each month is the lesser of the amount computed in Sections 44-352.122 or .123.

*125 The total overpayment is the sum of all amounts calculated in Section 44-352.124 above.

EXAMPLES

Factors

Computations

		•121 Correct Grant)	•122 (Amount Paid Minus Correct Grant)	•123 (Unreimburse Grant)
<u>1.</u>	<u>MAP</u>	<u>\$587</u>	<u>\$587</u>	<u>\$587</u>
	<u>Reported Income</u>	<u>0</u>	<u>-200</u>	<u>-100</u>
	<u>Actual Income</u>	<u>200</u>	<u>387</u>	<u>487</u>
	<u>Support Payment</u>	<u>100</u>		
	<u>Aid Actually Paid (\$587-0)</u>	<u>587</u>		
	<u>Total</u>			
		<u>Overpayment (.124) = \$200</u>		
<u>2.</u>	<u>MAP</u>	<u>\$474</u>	<u>\$474</u>	<u>\$300</u>
	<u>Reported Income</u>	<u>174</u>	<u>-305</u>	<u>-169</u>
	<u>Actual Income</u>	<u>305</u>	<u>169</u>	<u>131</u>
	<u>Support Payment</u>	<u>250</u>		
	<u>Aid Actually Paid (\$474 -174)</u>	<u>300</u>		
	<u>Total</u>			
		<u>Overpayment (.124) = \$50</u>		
<u>3.</u>	<u>MAP</u>	<u>\$698</u>	<u>\$698</u>	<u>\$698</u>
	<u>Reported Income</u>	<u>0</u>	<u>-150</u>	<u>-200</u>
	<u>Actual Income</u>	<u>150</u>	<u>548</u>	<u>498</u>
	<u>Support Payment</u>	<u>200</u>		
	<u>Aid Actually Paid (\$698-0)</u>	<u>698</u>		
	<u>Total</u>			
		<u>Overpayment (.124) = \$150</u>		

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553.

SUBMITTED FOR REVIEW

SEP 08 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

OCT 8 1986

Office of Administrative Law

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

Sue S. McElhaney
(AGENCY)
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 8/28/86

ORD #0386-17

FILED

In the office of the Secretary of State
of the State of California

OCT 8 - 1986
At 4:54 o'clock P.M.
MARCH FONG EU, Secretary of State
By Marjorie Hershberger
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)	TITLE	TELEPHONE
Rosalie Clark	Chief, Regulations Development Bureau	445-0313
2. Type of filing, (check one)	<input type="checkbox"/> 30-day Review <input type="checkbox"/> Emergency	<input checked="" type="checkbox"/> Certificate of Compliance (Complete Part 4 below)
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below) <input type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction		
3. a. Specify California Administrative Code title and sections as follows:		
SECTIONS ADOPTED: Title MPP		
SECTIONS AMENDED: 50-014		
SECTIONS REPEALED:		
APPROVED		
b. The following sections listed in 3a contain modifications to the text originally made available to the public:		
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)		
<input type="checkbox"/> prior to the emergency adoption <input checked="" type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.		
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date(s) of prior submittal(s) to OAL:		
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date statement was submitted to OAL		
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)		
<input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp) <input type="checkbox"/> Building Standards Commission (Attach approval)		
<input type="checkbox"/> State Fire Marshall (Attach approval) <input type="checkbox"/> Department of Finance (Attach properly signed Std. 399)		
<input type="checkbox"/> Other _____ (SPECIFY AGENCY)		
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER May 30, 1986	b. DATE OF FINAL AGENCY ACTION August 28, 1986	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)		
a. <input type="checkbox"/> Effective 30th day after filing with the Secretary of State.		
b. <input checked="" type="checkbox"/> Effective upon filing with the Secretary of State.		
c. <input type="checkbox"/> Effective on _____ as required or allowed by the following statute(s): _____.		
d. <input type="checkbox"/> Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)		
e. <input type="checkbox"/> Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)		
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.		

INSTRUCTIONS FOR STD 400

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- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
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- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
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FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

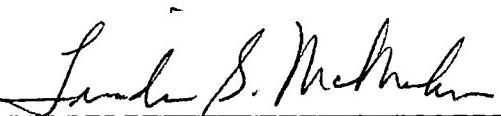
- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on June 27, 1986, and which became effective on June 27, 1986.

Section 50-014.

No Amendments or repealers resulted from the public hearing held on July 16, 1986.



LINDA S. McMAHON

Director

Date

8/28/86

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

Linda S. McMahon
LINDA S. McMAHON
Director

SUBMITTED FOR REVIEW

OCT 20 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
OCT 30 1986

Office of Administrative Law

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

EMERGENCY

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

Linda S. McHugh
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 10/16/86

ORD#0986-39

(See Instructions on Reverse)

86-1020-1E

FILED

In the office of the Secretary of State
of the State of California

OCT 30 1986
At 4:53 o'clock P.M.
MARCH FONG EU, Secretary of State
By Marjorie Hershberger
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)	TITLE	TELEPHONE
Rosalie Clark, Chief	Regulations Development Bureau	445-0313
2. Type of filing. (check one)	<input type="checkbox"/> 30-day Review <input checked="" type="checkbox"/> Emergency	<input type="checkbox"/> Certificate of Compliance (Complete Part 4 below)
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below) <input type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction		
3. a. Specify California Administrative Code title and sections as follows:		
Title MPP	SECTIONS ADOPTED: 63-063;63-301.531(a),(b),(c),(d),.543(d);63-801.61,.611,.62,63-802.542,.542(a)	
	SECTIONS AMENDED: 63-300,.515,.515(a);63-301.531,.541,.543(b);63-502.111,.121(a);63-801.1	
	SECTIONS REPEALED: 63-801.61,.62	
b. The following sections listed in 3a contain modifications to the text originally made available to the public:	APPROVED	
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e). The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)	<input type="checkbox"/> prior to the emergency adoption <input type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.	
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8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER	b. DATE OF FINAL AGENCY ACTION 10/16/86	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)	<input type="checkbox"/> Effective 30th day after filing with the Secretary of State. <input type="checkbox"/> Effective upon filing with the Secretary of State. <input type="checkbox"/> Effective on _____ as required or allowed by the following statute(s): <input type="checkbox"/> Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).) Attach request demonstrating good cause for early effective date. Request subject to OAL approval. <input checked="" type="checkbox"/> Effective on 12/1/86 (Designate effective date later than the normal effective date for the type of order filed.)	

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- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

Adopt MPP Section 63-063 to read:

63-063 DBRA AND NONDISCRETIONARY FOOD STAMP REGULATIONS #1 63-063

Implementation of Sections 63-300.515(a), 63-301.531, 63-301.541(b), 63-301.543(b), 63-502.121, 63-801.1 as amended and Sections 63-301.531(a),(b),(c) and (d), 63-301.543(d), 63-801.6; and 63-802.542 are hereby adopted and shall become effective December 1, 1986 and implemented as follows:

- .1 Effective December 1, 1986, the revised and newly adopted or revised provisions shall be applied to new food stamp applications.
- .2 The revised Section 63-502.121 shall be used to calculate food stamp benefits beginning with the January 1, 1987 allotments for continuing households.
- .3 Sections 63-801.1, 63-801.6 and 63-802.542 which are revised or adopted herein on claims for overissuances and restoration of lost benefits shall apply to all claims established after November 30, 1986.

Authority: Welfare and Institutions Code Sections 18902 and 18904.

Reference: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Amend MPP Section 63-300.515 and .515(a) to read:

63-300 APPLICATION PROCESS (Continued)

63-300

.5 Verification (Continued)

.51 Mandatory Verification (Continued)

.515 Residency

The residency requirements of Section 63-401 shall be verified except as provided in .515(a). Verification of residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to: rent or mortgage payments, utility expenses, and identity.

- rent or mortgage payments,
- utility expenses, and
- identity.

If verification cannot be accomplished in conjunction with the verification of other information, a collateral contact or other readily available documentary evidence shall be used. Any documents or collateral contact which reasonably establish the applicant's residency must be accepted and no requirement for a specific type of verification may be imposed.

- a. In certain unusual cases, such as some migrant farm worker households, homeless households or households newly arrived in the community, verification of residency may be impossible to obtain or may not exist. In such instances, if the applicant, with the county's assistance, has made reasonable efforts to obtain verification and (1) verification cannot be obtained; and (2) the applicant's statement regarding residency is not questionable as defined in Section 63-300.53, the county shall proceed with certification if the household is otherwise eligible. The determination that verification of residency cannot be obtained shall be

documented in the case file, per Section 63-300.55. Verification of residency shall be provided by these households prior to their next certification except for homeless households.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18902 and 7 CFR 273.2(f)(1)(vi).

Amend MPP Section 63-301.531 and adopt MPP Sections 63-301.531(a)•(b)•(c) and (d) to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

•5 Expedited Service (Continued)

•53 Processing Standards (Continued)

•531 Expedited Service Households

For households entitled to expedited service, except as specified in Sections 63-301.532 and •533, below the CWD shall mail coupons or the household's ATP by the close of business on the fourth calendar day following the day the application was filed or have available for pickup at the household's request, ATPs or coupons met no later than the close of business of on the fifth calendar day following the date the application was filed. For intervening weekends or holidays, the CWD shall use the following procedures:

- (a) If the fifth calendar day is a Saturday, have the ATP or coupons available for pickup or mail the ATP or coupons on the previous Friday.
- (b) If the fifth calendar day is a Sunday, have the ATP or coupons available for pickup on the following Monday or mail the ATP or coupons in the earliest outgoing mail on Monday morning.
- (c) If the fifth calendar day is a holiday which falls on a Monday, have the ATP or coupons available for pickup on the following Tuesday or mail the ATP or coupons in the earliest outgoing mail on Tuesday morning.
- (d) If the fourth or fifth calendar day is a holiday which falls on a Friday, have the ATP or coupons available for pickup or mail the ATP or coupons on the previous Thursday.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901, and 7 CFR 273.2(i)(3)(i).

Amend MPP Section 63-301.541(b) to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

•5 Expedited Service (Continued)

•54 (Continued)

•541 The CWD shall use the following procedures when expediting certification and issuance:
(Continued)

(b) All reasonable efforts shall be made to verify within the expedited processing standards, the household's residency, as specified in Section 63-300.515, income statement (including a statement that the household has no income), liquid resources, and all other factors required by Section 63-300.51 through collateral contacts or readily available documentary evidence. However, benefits shall not be delayed beyond the delivery standards prescribed in Section 63-301.53 solely because these eligibility factors have not been verified. Except as provided for in Sections 63-403.31 and .32, verification of these eligibility factors shall be postponed if unobtainable within the expedited processing standards.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18904, and 7 CFR 273.2(i)(4)(i)(B).

Amend MPP Section 63-301.543(b) and adopt MPP Section 63-301.543(d) to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.5 Expedited Service (Continued)

.54 (Continued)

.543 (Continued)

(b) When households which apply for benefits after the 15th of the month provide the required postponed verification, the CWD shall issue the second month's benefits within five working days from receipt of the verification or the first day of the second calendar month, whichever is later~~s~~, except. In CWDs that have staggered issuance, this shall be the first working day of the second calendar month, not the day benefits are issued using staggered issuance. This first working day of the calendar month issuance provision shall also apply to issuance in the third month for those migrant farmworker households needing out-of-state verification as outlined in Section 63-301.543(c).
(Continued)

(d) Households which applied for benefits after the 15th of the month who have not postponed verification shall be issued at least one full month's benefits before being placed in a staggered issuance cycle. If certified for more than one month, all households eligible for expedited service who apply after the 15th of the month shall be issued their first month's benefits within the expedited service time frames as specified in Section 63-301.53. In CWDs that have staggered issuance, the second month's benefits shall be issued on the first working day of the second calendar month, not the day benefits are issued using staggered issuance.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901, and CFR 273.2(i)(4)(iii)(B) and (C).

Amend MPP Section 63-502.111 and adopt MPP Section 63-502.121(a) to read:

63-502 INCOME, EXCLUSION AND DEDUCTION (Continued) 63-502

.1 Income Definition (Continued)

.11 Earned income shall include:

.111 All wages and salaries of an employee. Assistance payments from programs which require, as a condition of eligibility, the actual payments themselves shall be considered earned income to the extent that the payments actually substitute for wages or salaries. Special payments for work-related expenses in addition to the basic assistance payment shall be considered part of the assistance payment and not as additional compensation.

.112 (Continued)

.113 (Continued)

.114 (Continued)

.12 Unearned income shall include, but not limited to:

.121 Assistance payments from federal or federally aided public assistance programs, such as Aid to Families with Dependent Children (AFDC); General Assistance (GA) programs or other assistance programs based on need except as provided in Section 63-501.111.

(a) Assistance payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income, except for special allowances excluded under Section 63-502.2(e)(1).

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901, 7 CFR
 273.9(b)(1)(i), and 7 CFR 273.9(b)(2)(i).

Amend MPP Section 63-801.1 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued)

63-801

•1 Establishing Claims Against Households and/or Against Sponsors of Alien Households

All adult household members shall be jointly and individually liable for the value of any overissuance of benefits to the household. The CWD shall establish a claim, in accordance with Section 63-801.2, against any household that has received more food stamp benefits than it is entitled to receive or any household which contains an adult member who was an adult member of another household that received more food stamp benefits than it was entitled to receive, except as specified in Section 63-801.12. Any sponsor of an alien and the sponsored alien shall be held jointly and individually liable for repayment of any overissuance of food stamp benefits that results from incorrect information provided by the sponsor. In such cases, the CWD shall establish a claim against the sponsor or the alien household as provided in Section 63-801.13.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901, and 7 CFR 273.18(a).

Repeal MPP Sections 63-801.61 and 63-801.62; and adopt new MPP Sections 63-801.61, 63-801.611 and 63-801.62 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued)

63-801

.6 Change in Household Composition

.61 Inadvertent Household and Administrative Error Claims

The EWB shall initiate collection action against the household which received the overissuance for which the inadvertent household or administrative error claim was established. If a change in household membership occurs, the EWB shall initiate collection action against the household containing a majority of the individuals who were household members at the time of the error occurred. If the EWB cannot locate or determine the household which contains a majority of household members, the EWB shall initiate collection action against the household containing the head of the household at the time the overissuance occurred.

.62 Intentional Program Violation Claims

The EWB shall initiate collection action against the household which contained the household member found to have committed intentional Program violation and which received the overissuances for which the claim was established. If a change in household membership occurs, the EWB shall initiate collection action against the household containing a majority of the individuals who were household members at the time the act(s) of intentional Program violation occurred. If the EWB cannot locate or determine the household which contains a majority of the household members, the EWB shall initiate collection action against the household at the time the overissuance occurred.

.61 The CWD shall initiate collection action against any or all of the adult members of a household which received an overissuance for which an intentional Program violation, inadvertent household or administrative error claim was established in accordance with Section 63-801.1.

.611 If a change in household composition occurs, the CWD shall initiate collection action which may be taken against any or all households which contain an adult member who was an adult member of the

original household that received an overissuance.
The CWD may also offset the amount of the claim
against restored benefits in accordance with
Section 63-802.542.

- .62 In pursuing claims, the CWD shall use any of the appropriate methods of collecting payments as specified in Sections 63-801.43 and 63-801.7. The CWD shall not collect more than the amount of the claim under any circumstances.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901, 18902, 7 CFR 273.18(a), and 7 CFR 273.18(f).

Adopt MPP Sections 63-802.542 and .542(a) to read:

63-802 RESTORATION OF LOST BENEFITS (Continued) 63-802

.5 Computing the Benefit to be Restored (Continued)

.54 (Continued)

.542 If a change in household composition occurs, the CWD shall offset the amount of the claim against restored benefits in accordance with Sections 63-801.313 and 63-801.323. This action may be taken against any or all households which contain a member who was an adult member of the original household at the time the overissuance occurred (see Section 63-801.1).

(a) The CWD shall not collect more than the amount of the claim under any circumstances.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901, 18902, 7 CFR 273.18(a), and 7 CFR 273.18(f).

SUBMITTED FOR REVIEW

OCT 09 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
NOV 7 1986

Office of Administrative Law
For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

FILED

In the office of the Secretary of State
of the State of California

NOV 7 1986
At 7 o'clock 4:30pm.
MARCH FONG EU, Secretary of State
By DON A. NEA
Deputy Secretary of State

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

Linda S. McMahon

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 10/7/86

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)	TITLE	TELEPHONE
Rosalie Clark, Chief	Regulations Development Bureau	445-0313
2. Type of filing, (check one)	<input type="checkbox"/> 30-day Review <input type="checkbox"/> Emergency	<input checked="" type="checkbox"/> Certificate of Compliance (Complete Part 4 below)
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below) <input type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction		
3. a. Specify California Administrative Code title and sections as follows:	SECTION ADOPTED: Title MPP 63-062	
	SECTION AMENDED: 63-408.13	
	SECTION REPEALED: 63-062	
b. The following sections listed in 3a contain modifications to the text originally made available to the public:	63-062	
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e)): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)	<input type="checkbox"/> prior to the emergency adoption <input checked="" type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.	
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date(s) of prior submittal(s) to OAL:	
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date statement was submitted to OAL	
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)	<input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp) <input type="checkbox"/> Building Standards Commission (Attach approval) <input type="checkbox"/> State Fire Marshall (Attach approval) <input type="checkbox"/> Department of Finance (Attach properly signed Std. 399) <input type="checkbox"/> Other _____ (SPECIFY AGENCY)	
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER June 27, 1986	b. DATE OF FINAL AGENCY ACTION	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) September 8 through 22, 1986
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)		
a. <input type="checkbox"/> Effective 30th day after filing with the Secretary of State.		
b. <input type="checkbox"/> Effective upon filing with the Secretary of State.		
c. <input type="checkbox"/> Effective on _____ as required or allowed by the following statute(s):_____		
d. <input type="checkbox"/> Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)		
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.		
e. <input checked="" type="checkbox"/> Effective on 12/1/86 (Designate effective date later than the normal effective date for the type of order filed.)		

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

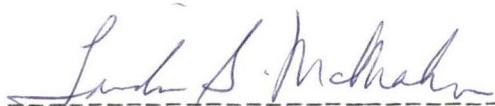
The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on June 30, 1986 , and which became effective on July 1, 1986 .

Manual of Policy and Procedures, Division 63, Chapter 63-000 & 400
Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
63-408.13	63-062	

These regulations were presented at public hearing on August 13, 1986 . As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
	63-062	


LINDA S. MCMAHON
Director

10/7/86
Date

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

Adopt Section 63-062 to read:

63-062 IMPLEMENTATION OF CORRECTION TO WORK
REGISTRATION/JOB SEARCH/VOLUNTARY
QUIT PROVISIONS

63-062

- 1 CWDs shall implement the amendment to Section 63-408.13 effective July 1, 1986.
- 2 Benefits lost due to imposing the voluntary quit sanction from the date of application, shall be restored from September 1, 1985 in accordance with the provisions of Section 63-802. The 12-month limitation under Section 63-802 shall not apply to the restoration of these benefits.
- 3 A determination of entitlement to lost benefits shall be made for currently participating households at recertification, or at termination, whichever occurs first.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 7 CFR 272.1(g)(63)(i)

Amend Section 63-408.13 to read:

63-408 VOLUNTARY QUIT

63-408

.1 Applicant Households (Continued)

- 13 Upon a determination that the primary wage earner voluntarily quit employment, the CWO shall determine if the voluntary quit was with good cause as defined in Section 63-408.4. If the voluntary quit was not for good cause, the household's application for participation shall be denied for a period of 90 days starting from the date of quit. The household shall be advised of the reason for the denial and of its rights to reapply and/or request a state hearing.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR 273.7(n)(1)(v).

SUBMITTED FOR REVIEW

OCT 15 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED

APPROVED FOR FILING

NOV 10 1986

Office of Administrative Law

For use of Office of Adm Law

ORD# 0685-36

(See Instructions on Reverse)

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

Department of Social Services

(AGENCY)

Linda S. McManam

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 10/18/86

FILED

In the office of the Secretary of State
of the State of California

NOV 10 1986

AM 4:45 o'clock PM

MARCH FONG EU, Secretary of State

By *John O. Ples*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

2. Type of filing, (check one) 30-day Review Emergency

445-0313

Certificate of Compliance
(Complete Part 4 below)

- Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
 Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title 22

SECTIONS ADOPTED:

Division 6, Sections 84080, 85080, and 86080

SECTIONS AMENDED:

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

Sections 84080(1)(A), 85080(1)(A), and 86080(1)(A)

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- No Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- X No Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- Fair Political Practices Commission (Include FPPC approval stamp) Building Standards Commission (Attach approval)
 State Fire Marshall (Attach approval) Department of Finance (Attach properly signed Std. 399)
 Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF FINAL AGENCY ACTION

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT.
CODE SEC. 11346.8C)

January 10, 1986

October 8, 1986

August 8 To August 23, 1986

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. Effective 30th day after filing with the Secretary of State.
b. Effective upon filing with the Secretary of State.
c. Effective on _____ as required or allowed by the following statute(s):
d. Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
e. Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citation(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Office of Regulations Development as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

Adopt new Section 84080 to read:

84080 RESIDENT COUNCILS

84080

- (a) Each facility, at the request of a majority of its residents, shall assist its residents in establishing and maintaining a resident-oriented facility council.
 - (1) The licensee shall provide space and post notice for meetings, and shall provide assistance in attending council meetings for those residents who request it.
 - (A) If residents are unable to read the posted notice because of a physical or functional disability, the licensee shall notify the residents in a manner appropriate to that disability including but not limited to verbal announcements.
 - (2) The licensee shall document notice of meetings, meeting times, and recommendations from council meetings.
 - (3) In order to permit a free exchange of ideas, at least part of each meeting shall be conducted without the presence of any facility personnel.
 - (4) Residents shall be encouraged, but shall not be compelled to attend council meetings.
- (b) The licensee shall ensure that in providing for resident councils the requirements of Section 1520.2 of the Health and Safety Code are observed.

HANDBOOK

Health and Safety Code Section 1520.2 reads in pertinent part:

The council shall be composed of residents of the facility and may include family members of residents of the facility. The council may, among other things, make recommendations to facility administrators to improve the quality of daily living in the facility and may negotiate to protect residents' rights with facility administrators.

A violation of this section shall not be subject to the provisions of Health and Safety Code Section 1540 (misdemeanors), but shall be subject to the provisions of Health and Safety Code Section 1534 (civil penalties).

This section shall not apply to facilities licensed for six (6) or fewer individuals.

Authority: Health and Safety Code Section 1530.

Reference: Health and Safety Code Section 1520.2.

Adopt new Section 85080 to read:

85080 RESIDENT COUNCILS

85080

- (a) Each facility, at the request of a majority of its residents, shall assist its residents in establishing and maintaining a resident-oriented facility council.
- (b) The licensee shall provide space and post notice for meetings, and shall provide assistance in attending council meetings for those residents who request it.
 - (A) If residents are unable to read the posted notice because of a physical or functional disability, the licensee shall notify the residents in a manner appropriate to that disability including but not limited to verbal announcement.
 - (2) The licensee shall document notice of meetings, meeting times, and recommendations from council meetings.
 - (3) In order to permit a free exchange of ideas, at least part of each meeting shall be conducted without the presence of any facility personnel.
 - (4) Residents shall be encouraged, but shall not be compelled to attend council meetings.
- (b) The licensee shall ensure that in providing for resident councils the requirements of Section 1520.2 of the Health and Safety Code are observed.

HANDBOOK

Health and Safety Code Section 1520.2 reads in pertinent part:

The council shall be composed of residents of the facility and may include family members of residents of the facility. The council may, among other things, make recommendations to facility administrators to improve the quality of daily living in the facility and may negotiate to protect residents' rights with facility administrators.

A violation of this section shall not be subject to the provisions of Health and Safety Code Section 1540 (misdemeanors), but shall be subject to the provisions of Health and Safety Code Section 1534 (civil penalties).

This section shall not apply to facilities licensed for six (6) or fewer individuals.

Authority: Health and Safety Code Section 1530.

Reference: Health and Safety Code Section 1520.2.

Adopt new Section 86080 to read:

86080 RESIDENT COUNCILS

86080

- (a) Each facility, at the request of a majority of its residents, shall assist its residents in establishing and maintaining a resident-oriented facility council.
- (1) The licensee shall provide space and post notice for meetings, and shall provide assistance in attending council meetings for those residents who request it.
- (A) If residents are unable to read the posted notice because of a physical or functional disability, the licensee shall notify the residents in a manner appropriate to that disability including but not limited to verbal announcement.
- (2) The licensee shall document notice of meetings, meeting times, and recommendations from council meetings.
- (3) In order to permit a free exchange of ideas, at least part of each meeting shall be conducted without the presence of any facility personnel.
- (4) Residents shall be encouraged, but shall not be compelled to attend council meetings.
- (b) The licensee shall ensure that in providing for resident councils the requirements of Section 1520.2 of the Health and Safety Code are observed.

HANDBOOK

Health and Safety Code Section 1520.2 reads in pertinent part:

The council shall be composed of residents of the facility and may include family members of residents of the facility. The council may, among other things, make recommendations to facility administrators to improve the quality of daily living in the facility and may negotiate to protect residents' rights with facility administrators.

A violation of this section shall not be subject to the provisions of Health and Safety Code Section 1540 (misdemeanors); but shall be subject to the provisions of Health and Safety Code Section 1534 (civil penalties).

This section shall not apply to facilities licensed for six (6) or fewer individuals.

Authority: Health and Safety Code Section 1530.

Reference: Health and Safety Code Section 1520.2.

SUBMITTED FOR REVIEW

OCT 17 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
NOV 17 1986

Office of Administrative Law

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

Department of Social Services

(AGENCY)

Linda S. McHugh

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: October 16, 1986

86-1017-4R
FILED
In the office of the Secretary of State
of the State of California

NOV 17 1986
At 3:50 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Jean C. Nease*
Deputy Secretary of State
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

Rosalie Clark Chief, Office of Regulations Development 445-0313

2. Type of filing, (check one) 30-day Review Emergency Certificate of Compliance
(Complete Part 4 below)

Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
 Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

SECTIONS AMENDED:

15-410

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: *AMENDED*

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e)): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

No Yes, if yes, give date(s) of prior submittal(s) to OAL: May 22, 1986

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

No Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

Fair Political Practices Commission (Include FPPC approval stamp) Building Standards Commission (Attach approval)
 State Fire Marshall (Attach approval) Department of Finance (Attach properly signed Std. 399)
 Other _____

(SPECIFY AGENCY)

a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER	b. DATE OF FINAL AGENCY ACTION	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
February 7, 1986	October 16, 1986	September 26 - October 10, 1986

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. Effective 30th day after filing with the Secretary of State.
b. Effective upon filing with the Secretary of State.
c. Effective on _____ as required or allowed by the following statute(s): _____.
d. Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
e. Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
f. Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

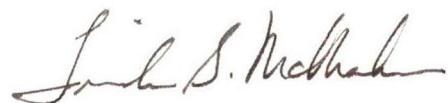
FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

Amend Section 15-410 to read:

15-410 REPORTING

15-410

- 1 To facilitate effective use of information generated by the quality control/corrective action program, there must shall be timely and complete reporting in a format approved by the State Department of Social Services.
- 2 The counties shall submit at least semiannually a Quality Control annually to SDSS a Corrective Action report to the state Plan and a Progress Report.

The report Corrective Action Plan is due no later than June 1 for the October-March period January 15 and the Progress Report no later than July 1. December 1 for the April-September period. The report shall contain the following elements:

- 21 A summary analysis of quality control findings and/or other error identification reviews, if applicable, analysis to include statements of the causes of errors.
- 21 The Corrective Action Plan shall contain all phases of the corrective action planning process: measurement of the magnitude of the errors and identification of the error elements involved, selection of problem areas, analysis of the problems, determination of the causes of the problems, development and selection of corrective action options, and plans for corrective action implementation, monitoring and evaluation.
- 22 The Progress Report shall contain the following phases of the corrective action process: measurement of the magnitude of the errors, identification of the error elements involved and error trends, if any, status of previously implemented corrective action, and the evaluation of corrective actions implemented.
- 23 Special studies or reports related to the identification of errors and causes as applicable.
- 24 Planned and/or implemented corrective actions, including a description of the corrective action selected for each of the identified causes of errors, cost-benefit analysis, where applicable, and an implementation timetable.

- #5 The proposed method of evaluating the effectiveness of planned corrective actions.
- #6 Evaluation or status report of corrective actions implemented or in progress including anticipated and/or achieved benefits of planned and/or implemented corrective actions; a description of each corrective action; and when the major implementation tasks were completed. The evaluation shall also include a description of realized costs and benefits, where applicable.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 45 CFR Section 205.40(b)(2)(v) and (vi).

86-1105-3
(See Instructions on Reverse)

SUBMITTED FOR REVIEW

NOV 05 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

DEC 04 1986

OFFICE OF ADMINISTRATIVE LAW

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

Judie S. McPherson
(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 9/29/86

FILED

In the office of the Secretary of State
of the State of California

At 4:45 o'clock P.M.
MARCH 10, 1987

MARCH FONG EU, Secretary of State
By *Debra G. Hesse*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

Rosalie P. Clark, Chief of the Regulations Development Bureau 445-0313

2. Type of filing. (check one) 30-day Review Emergency Certificate of Compliance
(Complete Part 4 below)

Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
 Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

SECTIONS AMENDED:
69-205.4

SECTIONS REPEALED:

APPROVED

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e)): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

No Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

No Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

Fair Political Practices Commission (Include FPPC approval stamp) Building Standards Commission (Attach approval)
 State Fire Marshall (Attach approval) Department of Finance (Attach properly signed Std. 399)
 Other _____
(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
May 30, 1986
- b. DATE OF FINAL AGENCY ACTION
September 29, 1986
- c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
Not Applicable

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. Effective 30th day after filing with the Secretary of State.
b. Effective upon filing with the Secretary of State.
c. Effective on _____ as required or allowed by the following statute(s): _____.
d. Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
e. Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

INSTRUCTIONS FOR STD 400

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- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

Amend MPP Section 69-205.4 to read:

69-205 ELIGIBILITY FOR SSI/SSP AND AFDC PROGRAMS 69-205
(Continued)

•4 Time Eligibility for AFDC and SSI/SSP

Federal RRP funds are available for reimbursement of the normal nonfederal share of AFDC, SSI/SSP and Medi-Cal program costs for eligible refugees who are time-eligible. Determination of time eligibility is as follows:

- 41 A refugee who is within the 36-month period from the date of entry into the United States shall be considered an AFDC or SSI/SSP time-eligible refugee.
- 42 A refugee who has lived in the United States for more than 36 months from date of entry shall be considered an AFDC or SSI/SSP time-expired refugee.
- 43 Children born in the United States of refugee parents shall be considered time-expired upon time-expiration of the most recently arrived parent or at the end of the 36th month from the child's birth date, whichever occurs sooner.
- 44 The month of arrival, as indicated on the INS Form I-94, or the month of birth is counted as the first month in determining time-eligibility.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: PL 99-177; 45 CFR 400.5(i) and 400.62(t); January 23 and 24, 1986 letters from the Office of Refugee Resettlement.

FACE SHEET

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

EMERGENCYENDORSED
APPROVED FOR FILING
DEC 05 1986

Office of Admin Law

For use of Office of Adm Law

State Department of Social Services

(AGENCY)

Julie S. McPeak

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: November 21, 1986

FILED
In the office of the Secretary of State
of the State of CaliforniaDEC 05 1986
At 3:04 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Julie S. McPeak*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

Rosalie Clark Chief, Regulations Development Bureau 445-0313

2. Type of filing, (check one) 30-day Review Emergency Certificate of Compliance
(Complete Part 4 below) Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
 Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

SECTIONS ADOPTED:

Title MPP 44-400 through 44-403

SECTIONS AMENDED:

40-107.1; 40-131.3; 40-181.11 and .122; 40-181.21; 44-340.1; 44-350.1

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public: *APPROVED*

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

 prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

 No Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

 No Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

 Fair Political Practices Commission (Include FPPC approval stamp) Building Standards Commission (Attach approval)
 State Fire Marshall (Attach approval) Department of Finance (Attach properly signed Std. 399)
 Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER b. DATE OF FINAL AGENCY ACTION c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))

Not Applicable

November 21, 1986

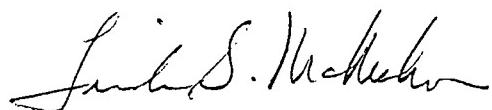
Not Applicable

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. Effective 30th day after filing with the Secretary of State.
- b. Effective upon filing with the Secretary of State.
- c. Effective on Jan. 1, 1987 as required or allowed by the following statute(s): Chapter 1075, Stats. 1986.
- d. Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

Amend MPP Section 40-107.1 to read:

40-107 COUNTY RESPONSIBILITY

40-107

•1 Assisting the Applicant (Continued)

- 13 The applicant shall be informed of the availability of hardship supplemental payments and of the necessity that an assistance unit request the payments in order for them to be provided. [HANDBOOK: (See Section 44-400 regarding hardship supplemental payments.)]

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11450.2(a)(1).

Amend MPP Section 40-131.3 to read:

40-131 INTERVIEW REQUIREMENT (Continued)

40-131

.3 Content of Application Interview

The application interview shall include discussion of the following as pertinent: (Continued)

- o. The availability of a hardship supplemental payment and the necessity that an assistance unit request the payment in order for it to be provided. [HANDBOOK: (See Section 44-400 regarding hardship supplemental payments.)]

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11450.2(a)(1).

Amend and renumber MPP Sections 40-181.11 and .122, and renumber Sections 40-181.12 through .18 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181

.1 General County Responsibility

*#1(a) The county CWD paying aid shall be responsible for continuing to determine eligibility to insure payment only to eligible recipients in the correct amount, to assist recipients to meet their financial and service needs as fully as possible, and to make maximum use of their resources and capabilities. For AFDC-FG or U cases, eligibility shall be established by the use of the CA 2 at time of application and then at one year intervals, and also by the CA 7 (Monthly Eligibility Report).

(b) The CWD shall send the Hardship Supplemental Payment Request Form, CA 40, monthly to all assistance units which have reported income and for two months following a termination of reported income.

(c) For AFDC-FC cases, eligibility shall be established by use of the CA 2 at the time of application if the parent or legal guardian is available and cooperating. If the parent or legal guardian is unavailable or not cooperating, eligibility shall be established by use of the CA 2 or FC 2. AFDC-FC eligibility shall be reestablished by use of the CA 2 or FC 2 at six-month intervals.

(d) However, additional determinations shall be made as necessary if unexpected changes in income, property, or other circumstances occur which affect the eligibility or grant level of the recipient.

*#2(e) (Continued)

*#2(f) (Continued)

*#2(2) In AFDC, the monthly redetermination of eligibility shall follow the procedures in #2 described above. This requirement is met by the use of the CA 7. The CA 7 shall be carefully checked each month upon its receipt so that correct grant computations are made. Special care

should be taken to correct grant adjustments for overpayments when income/resources change.

~~#t3(f)~~ (Continued)

~~#t4(g)~~ (Continued)

~~#t5(h)~~ (Continued)

~~#t6(i)~~ (Continued)

~~#t6t(l)~~ (Continued)

~~#t62(l2)~~ (Continued)

~~#t7(j)~~ (Continued)

~~#t8(k)~~ (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11450.2(a)(1).

Amend MPP Section 40-181.21 to include new •213 and renumber current •213, •214, and •215 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY (Continued) 40-181

•2 Periodic Determination of Eligibility

•21 (Continued)

•213 Recipients of AFDC-EG/U shall be informed of the availability of hardship supplemental payments and of the necessity that an assistance unit request the payment in order for it to be provided.

•2134 (Continued)

•2145 (Continued)

•2156 (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11450.2(a)(1).

Amend MPP Section 44-340.1 to read:

44-340 UNDERPAYMENTS

44-340

.1 General (Continued)

- .15 A hardship supplemental payment which was correctly computed, based on the assistance unit's reasonable estimate of the income and other circumstances for the payment month, shall not be subject to an underpayment determination. If there is a computational error, the payment shall be corrected.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11450.2(a)(6).

Amend Section 44-350.1 to read:

44-350 OVERPAYMENTS--GENERAL

44-350

.1 General (Continued)

- .15 A hardship supplemental payment which was correctly computed, based on the assistance unit's reasonable estimate of the income and other circumstances for the payment month, shall not be subject to an overpayment determination. If there is a computational error, the payment shall be corrected.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11450.2(a)(6).

Adopt MPP Section 44-400 to read:

44-400 HARDSHIP SUPPLEMENTAL PAYMENTS

44-400

.1 Definitions

- (a) "Hardship Supplemental Payment" means a payment issued to help maintain an AFDC assistance unit during the time it takes for the assistance payment to reflect a change in income. Hardship supplemental payments are made to assistance units who experience a decrease or termination of reported income which leaves the assistance unit needy as a result of the time lag inherent in the retrospective budgeting process.
- (b) "Hardship Supplemental Payment Month" means the month in which the hardship supplemental payment is requested and for which eligibility for the hardship supplemental payment exists.
- (c) "Net available income" means the actual income available to the assistance unit for living expenses in the Hardship Supplemental Payment Month. See Section 44-402.2.

.2 General

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- .21 There is no federal financial participation available for Hardship Supplemental Payments.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11450.2.

Adopt MPP Section 44-401 to read:

44-401 ELIGIBILITY FOR A HARDSHIP SUPPLEMENTAL PAYMENT 44-401

- .1 An assistance unit shall not be eligible for a hardship supplemental payment if the assistance unit's total estimated net nonexempt income for the hardship supplemental payment month is the same as, or greater than, the total net nonexempt income budgeted from the corresponding budget month. [HANDBOOK: (See Section 44-113 for computation of net nonexempt income.)]
- .11 An assistance unit shall not be eligible for a hardship supplemental payment if the drop in net nonexempt income results solely from ineligibility for disregards.
- .2 An assistance unit shall be eligible for a hardship supplemental payment if its estimated net nonexempt income for the hardship supplemental payment month is lower than its reported net nonexempt income in the corresponding budget month and if the following conditions are met:
 - .21 The assistance unit is eligible for AFDC in the hardship supplemental payment month or the assistance unit is in a month of suspension resulting from the receipt of income.
 - .22 The estimated net available income for the hardship supplemental payment month is less than 80 percent of the MAP for the assistance unit. [HANDBOOK: (See Section 44-402.2 regarding net available income.)]
 - .23 The assistance unit has requested the hardship supplemental payment in the same month in which eligibility for the hardship supplemental payment exists. The month in which eligibility exists is the hardship supplemental payment month.
 - .231 The assistance unit shall use the AFDC Hardship Supplemental Payment Request form (CA 40) to request the hardship supplemental payment.
 - .232 The date of receipt of the CA 40 shall be determined as follows:
 - (a) If the recipient hand-delivers the CA 40 to the CWD, the date the CWD receives the request shall constitute the date the request is made.

(b) If the CA 40 is mailed, the date of postmark shall constitute the date the request is made. When the postmark is illegible and the CWD receives a CA 40 for a hardship supplemental payment for the current month, the CWD shall presume, in the absence of other evidence, that such request was made during the current month if the CA 40 is dated in the current month. When the postmark is illegible and the CWD receives a CA 40 for the prior month, the CWD shall presume that the recipient made a request during the prior month if the CA 40 is received by the CWD by the second postal delivery day of the current month and the CA 40 is dated in the prior month.

•233 Such a request shall provide the CWD with the following information:

- (a) All information necessary for the CWD to estimate the hardship supplemental payment month's income and circumstances, to the extent that the recipient is able to provide such information.
- (b) Adequate verification of the expected drop in income, if available to the recipient; if unavailable, the recipient shall authorize the CWD to obtain verification. Where verification is unobtainable, the CWD may accept the declaration in (c) below in lieu of verification. [HANDBOOK: (See Section 40-157.2 for more detail on procedures for gathering evidence.)]
- (c) A declaration under penalty of perjury that, to the best of the recipient's knowledge, the information provided is true and correct. The Hardship Supplemental Payment Request form (CA 40) shall be sufficient for this purpose.

- 3 Eligibility for a hardship supplemental payment shall be determined for each request.
- 4 No more than one hardship supplemental payment per month may be granted to an assistance unit even if the actual net available income is lower than estimated. However, if there

is an error in the computation of the net available income,
the hardship supplemental payment shall be corrected.

- 5 If a hardship supplemental payment is granted in a suspense month because of a significant drop in the family's income, aid payments for the two months following the suspension shall be computed using prospective budgeting. [Handbook: (See Section 44-315.63.)]

HANDBOOK

.51 In these circumstances, a hardship supplemental payment would not be made in the month following the suspension.

- 6 No hardship supplemental payment shall be made to any assistance unit when such payment would be counted as income under the federal AFDC program.
- 7 The needs of any person who has been excluded from the assistance unit shall not be considered when computing the hardship supplemental payment for the remaining eligible members of the assistance unit. [HANDBOOK: For example, see MPP Section 43-107.47].

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11450.2, 11450.2(a)(6), and 11450.2(b)(3); 45 CFR 233.20(b)(4).

Adopt MPP Section 44-402 to read:

44-402 COMPUTATION OF A HARSHIP SUPPLEMENTAL PAYMENT 44-402

- 1 A hardship supplemental payment shall equal the difference between 80 percent of the MAP level minus the assistance unit's net available income estimated for the hardship supplemental payment month.

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Size of AU	80% of Maximum Aid Payment
1	\$242
2	398
3	494
4	587
5	670
6	753
7	826
8	901
9	972
10 or more	1045

- 11 When the subtraction of the net available income from 80 percent of the MAP level results in zero or less than zero, there shall be no hardship supplemental payment.
- 2 Net available income is determined by adding the amount determined in Section 44-402.21 to the amount estimated in Section 44-402.22.
- 21 The total grant amount, in accordance with Section 44-315.43, retrospectively budgeted from the budget month to the payment month, that the assistance unit would otherwise receive with the following exceptions:
- 211 Any disregard amounts the assistance unit would have been eligible to receive had the assistance unit not late reported shall be used in computing the grant for the hardship supplemental payment month.
- 212 Special needs shall not be considered part of the grant amount for the payment month. This includes recurring special needs, nonrecurring special needs and the pregnancy special need payment.

- 213 The amount that would otherwise be adjusted to recover an overpayment shall not be adjusted when computing the amount for the payment month.
- 222 The total net nonexempt income estimated to be available in the hardship supplemental payment month, in accordance with the income definitions in Chapter 44-100. The following disregards are not allowed:
 - 221 The \$30 and 1/3 disregard. [HANDBOOK: (See Section 44-111.23.)]
 - 222 The \$30 disregard. [HANDBOOK: (See Section 44-111.23.)]
 - 223 The amount disregarded from direct child/spousal support payments received by the recipient (see Section 44-111.472) and/or the child/spousal support disregard payments received from the CWD in the hardship supplemental payment month. [HANDBOOK: (See Section 44-111.471.)]
- 3 The ten dollar (\$10) payment limit specified in Section 44-315.432 shall not apply to the hardship supplemental payments.
- 4 Liquid resources and underpayment adjustments for prior months shall not be considered net available income.
- 5 A hardship supplemental payment shall not be considered income when calculating the amount of the grant to be paid in future months.
- 6 No overpayment or underpayment shall be assessed against a hardship supplemental payment which was correctly computed based on the assistance unit's reasonable estimate of expected income and other circumstances for the hardship supplemental payment month.

H .7 Example of Hardship Supplemental Payment Issuance:

A A. FACTS

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- (1) Assistance Unit is comprised of a working mother and one child.
 - (2) January grant is \$188.

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- (3) Mother receives notice that her hours of employment are reduced effective December 31 of the preceding year.
- (4) Mother was receiving \$500 a month in wages, and will be receiving \$200.
- (5) Mother has no reasonable expectations of receiving additional earned (or unearned) income in January.
- (6) Mother is no longer eligible for \$30 and 1/3, but does qualify for the \$30 disregard.
- (7) Mother pays \$85 in child care.
- (8) Mother receives \$50 per month payment from the county welfare department for child support received by the county welfare department.
- (9) CWD receives recipient's Hardship Supplemental Payment Request Form on January 8.

B. CWD ACTION

- (1) CWD determines that CA 40 is complete.
- (2) CWD determines the CA 7 due in December, reporting November's income, was timely and complete.
- (3) CWD determines that there is a decrease in net nonexempt earned (net countable) income from November to January.
- (4) CWD computes net available income for the hardship supplemental payment month:
 - (a) The total grant that the family would otherwise receive in the hardship payment month is \$188.
 - (b) \$200 estimated wages for the hardship payment month.
- 75 standard work expense disregard
- 85 dependent care disregard
+ 50 child support disregard received in hardship payment month
\$ 90 estimated other available income for the hardship supplemental payment month

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(c) \$188 from (a) plus \$90 from (b) equals \$278 net available income for the hardship supplemental payment month.

(d) The computation would appear on the CA 40 as follows:

NET COUNTABLE INCOME

\$200 wages for January
- 75 work expense disregard
- 85 dependent care disregard
- 30 \$30 disregard
\$ 10 net countable income in January

NET AVAILABLE INCOME

\$188 aid in January
+ 10 net countable income
+ 50 support disregard received in January
+ 30 \$30 disregard
\$278 net available income in January

(5) CWD computes hardship supplemental payment.

(a) MAP for assistance unit is \$498

(b) 80% of MAP is \$398

(c) 80% of MAP is greater than the net available income ($\$398 > \278)

(d) Hardship Supplemental Payment = 80% of MAP less net available income. or

\$398
-278
\$120 Hardship Supplemental Payment

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11257, 11450.2(a)(2), 11450.2(a)(3), 11450.2(a)(6), 11450.2(b)(2), 11450.2(b)(2)(A), 11450.2(b)(2)(C), and 11450.2(b)(4).

Adopt MPP Section 44-403 to read:

44-403 CWD RESPONSIBILITIES

44-403

- 1 The CWD shall send the CA 40, AFDC Hardship Supplemental Payment Request, to assistance units when one of the following circumstances occurs:
 - 11 The CA 40 shall be given to any assistance unit which has reported income verbally or in writing. The CA 40 shall be sent monthly to all assistance units which have reported income on the Monthly Eligibility Report and for two months following the month in which the income drops.
 - 12 The CA 40 shall be given to any recipient upon the recipient's request.
 - 13 The CA 40 shall be given to any recipient indicating a loss of income. However, if the CWD has already provided the assistance unit with the CA 40 for the month based on income reported on the Monthly Eligibility Report, the CWD is not required to send the recipient another CA 40, unless the recipient so requests.
- 2 The CWD may send the CA 40 to all assistance units.
- 3 The CWD shall inform the recipient that receipt by the CWD of the properly completed CA 40 is necessary before eligibility for a hardship supplemental payment can be determined and such payment can be issued pursuant to this Chapter.
- 4 If the CWD receives an incomplete CA 40 the CWD shall contact the recipient as soon as possible in order to obtain the necessary information and/or verification. The CWD shall employ the principles and methods specified in Section 40-157 in verifying eligibility for a hardship supplemental payment and afford the recipient the protections specified in Section 19-007.1.
- 5 The CWD shall deny the application for a hardship supplemental payment if the application provided by the assistance unit is incomplete to the extent that the CWD cannot make an eligibility determination and the CWD's effort to obtain the information is unsuccessful.

- 6 The CWD shall issue a hardship supplemental payment within seven working days from the date the request was received if the assistance unit is determined to be eligible for the hardship supplemental payment. The CWD shall issue a Notice of Action denying a hardship supplemental payment within seven working days of the date the CWD receives the request if the assistance unit is determined to be ineligible for a hardship supplemental payment.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11450.2(a)(1) and 11450.2(a)(4); Melendez v. McMahon, Sacramento County Superior Court Number 331567.

86-1120-1R
(See Instructions on Reverse)STATE OF CALIFORNIA
STD Form 400 (Rev. 8/85)

SUBMITTED FOR REVIEW

NOV 20 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR SIGNING
DEC 2 8 1986

OFFICES OF ADMINISTRATIVE LAW

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 12-19-86

FILED
In the office of the Secretary of State
of the State of CaliforniaAt 4:37 o'clock PM.
MARCH FONG EU, Secretary of State
By
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)	TITLE	TELEPHONE
Rosalie Clark	Chief of the Regulations Development Bureau	445-0313
2. Type of filing, (check one)	<input checked="" type="checkbox"/> 30-day Review <input type="checkbox"/> Emergency	<input type="checkbox"/> Certificate of Compliance (Complete Part 4 below)
<input type="checkbox"/> Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below) <input type="checkbox"/> Nonsubstantive changes with nonregulatory effect <input type="checkbox"/> Printing Error Correction		
3. a. Specify California Administrative Code title and sections as follows:		
SECTIONS ADOPTED:		
Title MPP		
SECTIONS AMENDED:		
41-450.1, .2, .3, .4, and .5; 44-203.11; 44-203.21		
SECTIONS REPEALED:		
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 41-450.1; 41-450.2; 44-203.11; 44-203.21; 44-203.311; 44-209.322		
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)		
<input type="checkbox"/> prior to the emergency adoption <input type="checkbox"/> within 120 days of the effective date of the emergency adoption of the above-referenced regulations.		
APPROVED		
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, if yes, give date(s) of prior submittal(s) to OAL: August 29, 1986	
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, if yes, give date statement was submitted to OAL	
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)		
<input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp)	<input type="checkbox"/> Building Standards Commission (Attach approval)	
<input type="checkbox"/> State Fire Marshall (Attach approval)	<input checked="" type="checkbox"/> Department of Finance (Attach properly signed Std. 399)	
<input type="checkbox"/> Other _____	(SPECIFY AGENCY)	
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER May 2, 1986	b. DATE OF FINAL AGENCY ACTION November 19, 1986	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) October 31, 1986 to November 17, 1986

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
- a. Effective 30th day after filing with the Secretary of State.
 - b. Effective upon filing with the Secretary of State.
 - c. Effective on _____ as required or allowed by the following statute(s): _____.
 - d. Effective on Jan. 1, 1987 (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
 - e. Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven(7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

Amend Section 41-450.1 and renumber Section 41-450.3 to read:

41-450 CONTINUED ABSENCE OF A PARENT

41-450

.1 Definition of "Continued Absence"

.11 "Continued Absence" exists when the natural parent is physically absent from the home, and the nature of the absence constitutes disassociation; that is, a substantial severance of marital and family ties which deprives the child of at least one of its natural parents; results in an interruption or termination of the parent's functioning as a provider of maintenance, physical care, or guidance for the child, regardless of the reason for the absence or the length of time the parent has been absent, and the known or indefinite duration of the absence precludes counting on the parent's performance in planning for the present support or care of the child.

If such an interruption or termination of performance of parental responsibilities exists, "continued absence" shall be considered to exist for purposes of eligibility for AFDC even if the parent remains in contact with the child through regular or frequent visitation. Regular or frequent visits with the child by a parent who is physically absent from the home shall not, in and of itself, prevent a determination that "continued absence" exists. "Continued absence" shall be considered to exist when the child lives with each parent for alternating periods of time.

"Continued absence" shall also be considered to exist when a parent who is a convicted offender is permitted to live at home while serving a court imposed sentence by performing unpaid public work or unpaid community service during the workday. (See Chapter 42-500.) This parent may be eligible to receive AFDC. (See Sections 44-203.3 and 44-209.322.)

A substantial severance of marital and family ties means that the absence is accompanied by a definite interruption of or marked reduction in marital and family responsibilities compared to previously existing conditions.

.12 "Continued Absence" does not exist:

•11 When one parent is physically absent from the home on a temporary basis (see Section 44-203.115).

Examples are visits, trips or temporary assignments undertaken in connection with current or prospective employment.

*3 Parent on Active Duty in Uniformed Services

*3t.13 "Continued absence" does not exist when a parent who is absent for the sole reason of performing active duty in the uniformed services of the United States shall not be considered absent for the purpose of deprivation.

*3t.131 Uniformed services of the United States means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanographic and Atmospheric Administration, and the Public Health Service of the United States.

- 132 When an individual provides appropriate evidence (see Section 41-450.54) to establish that continued absence ~~dissemination~~ would exist irrespective of the parent's performance of active duty in the uniformed service of the United States, continued absence shall be considered to exist.
- 14 When a question exists regarding continued absence of a parent various factors may be considered such as but not limited to:
 - 141 Does the parent provide day-to-day care and control of the child?
 - 142 Do the parents maintain separate homes?
 - 143 Do the parents have separate mailing addresses?
 - 144 Do the parents maintain their money separately?
 - 145 Do the parents have access to each others income or resources?
 - 146 Is the parent absent due to hospitalization; attendance at school; visiting; vacationing; or moving or trips made in connection with current or prospective employment?

Other similar factors may also be considered. A single factor may not be determinative.

Authority: Welfare and Institutions Code Sections 10553,
10554, and 10604.

Reference: Welfare and Institutions Code Sections 10553,
10604, and 11250 (Stats. 1985, Ch. 1552); 45 CFR
Section 233.90(c)(1)(iii).

Amend Section 41-450.2 to read:

41-450 CONTINUED ABSENCE OF A PARENT (Continued) 41-450

•2 Circumstances That Meet the Definition of "Continued Absence"

The physical absence continued absence of a parent from the home in conjunction with any one of the following circumstances shall be considered to meet the definition of "continued absence": as defined in Section 41-450.1, includes but is not limited to the following circumstances:

- 21 The parents are not married to each other and have not maintained a home together.
- 22 The parent
 - 221 Is not legally able to return to the home because of confinement in a penal or correctional institution, or
 - 222 Has been deported, or
 - 223 Has voluntarily left the country because of the threat of, or the knowledge that he or she is subject to deportation.
- 23 A parent has filed, or retained legal counsel for the purpose of filing an action for dissolution of marriage, for a judgment of nullity, or for legal separation.
- 24 The court has issued an injunction forbidding the parent to visit the spouse custodial parent or child.
- 25 The remaining parent has presented a signed, written statement (see .5 below) that the other parent has left the family and that dissoetation within the definition of "continued absence" exists the nature of the absence constitutes continued absence as defined in .1 above.
- 26 Both parents are physically out of the home and their whereabouts are not known.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604.

Reference: Welfare and Institutions Code Sections 10553, 10604, and 11250 (Stats. 1985, Ch. 1552); 45 CFR Section 233.90(c)(1)(iii).

Renumber and amend Sections 41-450.4 and .5 to read:

41-450 CONTINUED ABSENCE OF A PARENT (Continued) 41-450

.43 Beginning Date of "Continued Absence" (Continued)

.54 Evidence of "Continued Absence"

.541 If one parent is absent within the criteria established in Sections 41-450.2 or .3 above, the written statement of the applicant or recipient parent may be considered sufficient evidence of "continued absence" of the other parent, unless conflicting information is known to the county or reasonable doubt indicates further evidence is necessary.

.542 If conflicting information is known to the county or reasonable doubt indicates further evidence is necessary, the written statement of the applicant or recipient parent must be supported by at least one of the following:

- a. Additional evidence indicating "continued absence", which may include written statements of the absent parent or other persons with prior knowledge of the family relationship; or
- b. Evidence of the actions of the applicant or the recipient or the absent parent that clearly indicate not only the physical absence of the other parent but also disassociation the continued nature of the absence as defined in Section 41-450.1 above.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604.

Reference: Welfare and Institutions Code Sections 10553, 10604, and 11250 (Stats. 1985, Ch. 1552); 45 CFR Section 233.90(c)(1)(iii).

.7 Inmate

.71 An inmate is a person who is not a "patient" but is living in or is otherwise being cared for in either a medical or nonmedical Institution. However, a person attending an educational or vocational training institution where living in the institution is incidental to the purpose of securing education or training, or is in the institution for a temporary emergency period pending other arrangements appropriate to his needs, is not considered an inmate in such institution.

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A person who is a convicted offender permitted to live at home while serving a court imposed sentence by performing unpaid public work or unpaid community service during the workday does not meet the regulatory definition of an "inmate" because he/she is not living in or otherwise being cared for by an institution.

Amend Section 44-203.11 to read:

44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU - DEFINITIONS 44-203

.1 Eligible Children

.11 An eligible child is a child, including a child whose caretaker relative has selected AFDC-FG/U where eligibility also exists for AFDC-FC, who is: (Continued)

.115 Living in the home of a caretaker relative.

(a)* "The home of a caretaker relative" is a family setting maintained or in the process of being established. A home exists so long as the relative assumes responsibility for the day-to-day care and control of the child.

An eligible child is considered to be living in the home of a caretaker relative even though the child and/or the relative is temporarily absent from the home. However, the caretaker relative must continue to have responsibility for the care and control of the child during the temporary absence. (See Section 44-203.21.)

Temporary absences include: hospitalization, attendance at school, visiting, vacationing, moving, trips made in connection with current or prospective employment, and similar situations. (See Section 45-302.23 for child temporarily absent from an AFDC-FC eligible facility.)

(b)* An eligible child is also considered to be living in the home of a caretaker relative where the child would be physically present in the home except for circumstances that require granting assistance to the relative for up to thirty days prior to the child's arrival in the relative's home from placement in a foster home or institution (see Section 44-267.2. Special Needs for Children in Foster Care).

(c) If a child stays alternately for periods of one month or less with each of his/her parents who are separated or divorced, the caretaker relative shall be determined as follows:

(1) In most circumstances, the parent with whom the child stays for the majority of the time shall be the caretaker relative. The temporary absence of the parent or the child from the home does not affect this determination (see Section 44-203.115(a) above).

(A) The parent with whom the child stays for less than the majority of the time may be the caretaker relative, if that parent can establish that he/she has majority responsibility for care and control of the child (see Section 44-203.21).

(2) When the child spends an equal amount of time with each parent and each parent exercises an equal share of care and control responsibilities, the parent who applies for aid shall be the caretaker relative, provided that the child's other parent is not currently applying for or receiving aid for the child.

(3) When each parent exercises an equal share of care and control responsibilities, and each has applied for aid for the child, the caretaker relative shall be determined in the following order:

(A) The parent designated in a current court order as the primary caretaker for purposes of public assistance, under Civil Code Section 4600.5(h).

HANDBOOK

Civil Code Section 4600.5(n)
states:

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In making an order of joint physical custody or joint legal custody, the court may specify one parent as the primary caretaker of the child and one home as the primary home of the child, for the purposes of determining eligibility for public assistance.

- (B) When no court order designation exists and only one parent would be eligible for aid, the parent who would be eligible shall be the caretaker relative.
- (C) When both parents would be eligible, the parents shall designate one parent as the caretaker relative. The agreement shall be documented on a form designated by DSS.
- (D) If the parents cannot reach agreement on the designation of a caretaker relative, the parent who first applied for aid for the child shall be the caretaker relative.
- (E) The parent who has been determined to be the caretaker relative of a child who stays with the other parent for alternating periods of one month or less shall remain the caretaker relative while the child is with the other parent.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604.

Reference: Welfare and Institutions Code Sections 10553, 10604, 11203, and 11250 (Stats. 1985, Ch. 1552); 45 CFR Section 233.90(c)(v)(B).

Amend Section 44-203.21 to read:

44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU - DEFINITIONS 44-203
(Continued)

•2 Caretaker Relatives

- 21 A caretaker relative is the person in the home responsible for care and control of: 1 an eligible child(ren) or 2 an otherwise eligible child(ren) who is receiving SSI/SSP (see Section 44-203.115 above).
- 211 When determining who the caretaker relative is, the county shall review the actual circumstances in each case in determining which person exercises care and control responsibilities for a child.
- 212 When a question exists regarding caretaker status, various factors are to be considered such as: the extent to which a person decides where the child attends school; deals with the school on educational decisions and problems; controls participation in extracurricular and recreational activities; arranges medical and dental care services; claims the child as a tax dependent; and, purchases and maintains the child's clothing. Other similar actions shall also be considered. A single action may not be determinative.
- 213 A convicted offender who is serving a sentence while living at home and who is considered the absent parent, pursuant to Section 41-450.11, may be the caretaker relative if he/she otherwise meets the definition of caretaker relative.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604.

Reference: Welfare and Institutions Code Sections 10553, 10604, 11203, and 11250 (Stats. 1985, Ch. 1552); 45 CFR Section 233.90(c)(v)(B).

SUBMITTED FOR REVIEW

DEC 19 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
DEC 29 1986

Office of Administrative Law

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

Janet S. McHugh

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 12-19-86

OR #186-21
FILED

In the office of the Secretary of State
of the State of California

DEC 29 1986
At 5:18 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Lori A. Ness*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

455-0313

2. Type of filing, (check one) 30-day Review Emergency Certificate of Compliance
(Complete Part 4 below)

Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)

Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

SECTIONS ADOPTED:

63-065

SECTIONS AMENDED:

63-406.1 and .216; 63-407.21; and 63-502.2 (a), (c), (d), and (e)

SECTIONS REPEALED:

APPROVED

b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

prior to the emergency adoption

within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

No Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

No Yes, if yes, give date statement was submitted to OAL:

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

Fair Political Practices Commission
(Include FPPC approval stamp)

Building Standards Commission
(Attach approval)

State Fire Marshall (Attach approval)

Department of Finance (Attach properly signed Std. 399)

Other _____

(SPECIFY AGENCY)

a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER Not Applicable	b. DATE OF FINAL AGENCY ACTION December 17, 1986	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) Not Applicable
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9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. Effective 30th day after filing with the Secretary of State.

b. Effective upon filing with the Secretary of State.

c. Effective on _____ as required or allowed by the following statute(s): _____.

d. Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)

Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

e. Effective on 2/1/87 (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
b. Provide the date on which the regulatory agency adopted the regulatory changes.
c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

The following facts constitute the emergency:

1. On May 21 and August 22, 1986, the United States Department of Agriculture adopted regulations affecting eligibility for food stamp benefits. These federal changes are to be implemented on August 1 and August 22, 1986.
2. The federal regulations implemented by this regulation package (a) make students enrolled in an institution of higher education pursuant to a Job Training Partnership Act program eligible for food stamps, (b) clarify that a finding of "unfitness" for employment is not restricted to persons receiving disability benefits, (c) provide that third party payments for household living expenses made by deferred educational loans and grants shall be treated as though they were paid directly to the household, (d) exclude from household income those student loan or grant funds used for tuition and mandatory fees at post-secondary schools which do not require a high school diploma, and (e) clarify the exclusion from or inclusion in the household's income of student loan or grant funds used for other purposes.

For more detail regarding these changes, the reader is referred to the attached Public Notice and Statement of Reasons.

3. Welfare and Institutions Code Section 18901 requires that applicants' and recipients' food stamp eligibility be determined to the extent permitted by federal law.
4. Any instruction designed to implement these changes constitute a standard of general application used to make specific, implement or interpret the food stamp law as administered by the Department. Therefore, such instructions to the county welfare departments would be considered a regulation and subject to the rulemaking process of the Administrative Procedure Act (Government Code Section 11342 et seq.).

5. The nonemergency rulemaking process set forth in Administrative Procedure Act is sufficiently lengthy that it would further delay the adoption of state regulations which are necessary to ensure that applicants and recipients receive the food stamp benefits to which they are entitled as provided for in Welfare and Institutions Code Section 18901.
6. Also, such a delay would also frustrate the general purpose of the Food Stamp Program as set out in Welfare and Institutions Code Section 18900, of providing significant health vital benefits. In addition, it would increase the administration burden upon county welfare departments in terms of the time and cost involved in granting potential retroactive benefits to the affected applicants and recipients.
7. Until these federal rules are implemented, the state's food stamp plan will remain out of conformity with federal regulations. This would subject the state to the likelihood of fiscal sanctions from the United States Department of Agriculture as well as potential lawsuits from the persons these changes were intended to help.
8. Therefore, in order to comply with the federal and state mandates governing the Food Stamp Program, to ensure recipients receive the benefits to which they are entitled, and to avoid possible needless administrative expense and litigation, these regulations are adopted as an emergency measure, to become effective on February 1, 1987.

Adopt Section 63-065 to read:

63-065 IMPLEMENTATION OF TREATMENT OF CERTAIN
EDUCATIONAL GRANTS AND LOANS

63-065

- .1 These amended or adopted provisions in Section 63-065.2 shall be implemented as follows:
- .11 Effective February 1, 1987, the CWDs shall implement the amended or adopted provisions for all new food stamp applications.
- .12 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and appropriate restoration of benefits made upon request by the household or no later than at recertification or termination.
- .13 Benefits shall be restored in accordance with 7 CFR 272.1(g)(79), except as specified in Section 63-065.14.
- .14 Persons determined eligible pursuant to Section 63-406.216 are entitled to restored benefits in accordance with 7 CFR 272.1(g)(76).
- .2 The sections affected by these revisions are as follows: Sections 63-406.1 and .21; 63-407.2(b); and 63-502.2(a), (c), (d), and (e).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Reference: Welfare and Institutions Code Section 18904; and 7 CFR 272.1(g)(76) and (g)(79).

Renumber and amend Section 63-406.1 to read:

63-406 STUDENTS

63-406

.1 Applicability.

- .11 Any person who is age eighteen through fifty-nine; physically and mentally fit; and enrolled at least half time, as defined by the institution, in an institution of higher education (as defined in Section 63-102(ei)), shall be ineligible to participate in the Food Stamp Program unless that person complies with the eligibility requirements of Section 63-406.2.
- .12 Student eligibility requirements shall not apply to persons age 17 or under, persons age 60 or over, or persons physically or mentally disabled unfit, persons attending high school, persons enrolled exclusively in noncredit college courses, such as but not limited to, English as a Second Language (ESL) and General Education Diploma (GED) courses, persons participating in on-the-job training programs, persons enrolled in an institution of higher education less than half time, or to persons enrolled full time in schools and training programs which are not institutions of higher education.
- .121 If mental or physical unfitness is claimed and the unfitness is not evident to the CWD, verification shall be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or of a statement from a physician or licensed or certified psychologist.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Reference: 7 CFR 273.5(a).

Amend Section 63-406.21 to read:

63-406 STUDENTS (Continued)

63-406

.2 Eligibility Requirements. (Continued)

.21 (Continued)

.216 Be assigned to or placed in an institution of higher education through a program under the Job Training Partnership Act (JTPA).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Reference: 7 CFR 273.5(b)(1)(vi).

Amend Section 63-407.2(b) to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued) 46-407

•2 Exemptions from Work Registration (Continued)

•21 (Continued)

- b. A person physically or mentally unfit for employment. If a mental or physical disability unfitness is claimed and the disability unfitness is questionable not evident to the county welfare department CWD, verification shall be required. Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by governmental or private sources, or of a statement from a physician or licensed or certified psychologist;

Authority: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Reference: 7 CFR 273.17(b)(1)(ii).

Amend Section 63-502.2(a)(3) to read:

63-502 INCOME, EXCLUSIONS, AND DEDUCTIONS (Continued) 63-502

•2 Income Exclusions. (Continued)

a. (Continued)

(3) (Continued)

1C1 Deferred educational loans, grants, scholarships, fellowships, veterans' educational benefits, and the like that are provided to a third party on behalf of the household for living expenses such as rent or mortgage, personal clothing or food eaten at home shall be treated as money payable directly to the household and shall not be excluded as a vendor payment.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Reference: 7 CFR 273.9(c)(1)(iv).

Renumber and amend Sections 63-502.2(c) and (d) to read:

63-502 INCOME, EXCLUSIONS, AND DEDUCTIONS (Continued) 63-502

.2 Income Exclusions. (Continued)

- c. Regardless of their source, educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like to the extent that they are used for tuition and mandatory school fees at an institution of higher post-secondary education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(1) For the purpose of this provision, institution of post-secondary education means any public or private educational institution which: (a) meets the definition of institution of higher education as specified in Section 63-102(l), or (b) admits persons who are beyond the age of compulsory school attendance in the state in which the institution is located. The institution must be legally authorized or recognized by the state to provide: (a) an educational program beyond secondary education in the state, or (b) a program of training to prepare students for gainful employment.

(2) Mandatory fees are those charged to all students or those charged to all students within a certain curriculum. For example, uniforms, lab fees, or equipment charged to all students to enroll in a chemistry course would be excluded. However, transportation, supplies and textbook expenses are not uniformly charged to all students and therefore would not be excluded as mandatory fees.

~~For example, uniforms, lab fees, or equipment charged to all students to enroll in a chemistry course would be excluded. However, transportation, supplies and textbook expenses are not uniformly charged to all students and, therefore, would not be excluded as mandatory fees.~~

(3) Origination fees and insurance premiums on student loans are excludable charges. Only the amount of

the loan after these charges have been excluded is to be considered income.

- (4) Portions of nonfederal (state, local, or private) deferred payment educational loans are excludable under this provision only to the extent that the lender specifically earmarks portions or all of such loans as provided for educational expenses, such as travel or books, but not for living expenses, such as rent or mortgage, personal clothing, or food eaten at home.
- d. All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred as specified in Section 63-502.2(c).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Reference: Government Code Section 11349(c) and 7 CFR 273.9(c)(3) and (4).

Amend Section 63-502.2(e); and renumber Sections 63-502.2(e)(1) thru (5) to (1)(A) through (E):

63-502 INCOME, EXCLUSIONS, AND DEDUCTIONS (Continued) 63-502

.2 Income Exclusions. (Continued)

e. Reimbursement for past or future expenses, to the extent they do not exceed actual expenses, and do not represent a gain or benefit to the household. Reimbursements for normal household living expenses such as rent or mortgage, personal clothing, or food eaten at home are a gain or benefit and, therefore, are not excluded. To be excluded, these payments must be provided specifically for an identified expense, other than normal living expenses, and used for the purpose intended. When a reimbursement, including a flat allowance, covers multiple expenses, each expense does not have to be separately identified as long as none of the reimbursement covers normal living expenses. The amount by which a reimbursement exceeds the actual incurred expense shall be counted as income. However, reimbursements shall not be considered to exceed actual expenses, unless the provider or the household indicates the amount is excessive.

(1) Examples of The following excludable reimbursements which are not considered to be a gain or benefit to the household are include:

- (A) Reimbursements or flat allowances for job- or training-related expenses such as travel, per diem, uniforms, and transportation to and from the job or training site. Reimbursements which are provided over and above the basic wages for these expenses are excluded; however, these expenses, if not reimbursed, are not otherwise deductible. Reimbursements for the travel expenses incurred by migrant workers are also excluded.
- (B) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.
- (C) Medical or dependent care reimbursements.

- (4D) Nonfederal Reimbursements or allowances to students for specific education expenses such as travel or books, which are specifically earmarked by the grantor, but not allowances for general living expenses such as food, rent, or electricity. Persons of a general grant or scholarship must be specifically earmarked by the grantor for education expenses rather than for living expenses to be excludable as a reimbursement.
- (SE) Reimbursements received by households to pay for services provided by Title XX of the Social Security Act.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 19904.

Reference: Government Code Sections 11349(c) and (d), and 7 CFR 273.9(c)(5)(i)(A) through (E).

Amend Section 63-502.2(e) to read:

63-502 INCOME, EXCLUSIONS, AND DEDUCTIONS (Continued) 63-502

.2 Income Exclusions. (Continued)

e. (Continued)

(2) The following shall not be considered a reimbursement excludable under this provision:

(A) Portions of benefits provided under Title IV-A of the Social Security Act for work-related or child care expenses when adjustments have been made to the PA payments.

(B) Portions of any federal educational grant, scholarship, fellowship, veterans' educational benefit and the like to the extent they provide income assistance beyond that used for tuition and mandatory school fees as set forth in Section 63-502.2(c).

College related expenses such as books, travel, supplies, board, rent, transportation, or equipment, paid for with Pell Grant or Supplemental Educational Opportunity Grant (SEOG) assistance are not excludable under this provision.

(C) Portions of any nonfederal (state, local or private) educational grant, scholarship, fellowship, veterans' educational benefit, and the like that are provided for living expenses, such as food, rent, or clothing.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Reference: 7 CFR 273.9(c)(5)(ii)(A), (B), and (C).

SUBMITTED FOR REVIEW

DEC 19 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
DEC 29 1986

Office of Administrative Law

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION: I hereby certify that the attached
are true and correct copies of regulations
adopted, amended or repealed by this agency
and that the information specified on this Face
Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)


AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 12-17-86

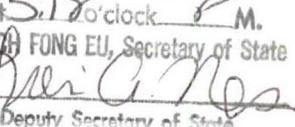
(See Instructions on Reverse)

ORD #1186-52

FILED

In the office of the Secretary of State
of the State of California

DEC 29 1986

At 5:10 o'clock P.M.
MARCH FONG EU, Secretary of State
By 
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

Rosalie Clark, Chief, Regulations Development Bureau

TITLE

TELEPHONE
445-0313

2. Type of filing, (check one) 30-day Review Emergency Certificate of Compliance
(Complete Part 4 below)
- Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
 Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

SECTIONS ADOPTED:

Title _____

SECTIONS AMENDED:

SECTIONS REPEALED:

MPP Section 44-113.622(c)

APPROVED

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- No Yes, if yes, give date(s) of prior submittal(s) to OAL: _____

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- No Yes, if yes, give date statement was submitted to OAL: _____

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- Fair Political Practices Commission
(Include FPPC approval stamp) Building Standards Commission
(Attach approval)
 State Fire Marshall (Attach approval) Department of Finance (Attach properly signed Std. 399)
 Other _____
(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER
- b. DATE OF FINAL AGENCY ACTION
12/17/86
- c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT.
CODE SEC. 11346.8(c))

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. Effective 30th day after filing with the Secretary of State.
b. Effective upon filing with the Secretary of State. January 1, 1987.
c. Effective on _____ as required or allowed by the following statute(s): _____
d. Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
 - b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
 - a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).

Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
 - b. Provide the date on which the regulatory agency adopted the regulatory changes.
 - c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
 - a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.



LINDA S. McMAHON
Director

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety or general welfare within the meaning of Government Code Section 11346.1.

The following facts constitute the emergency:

1. Section 44-113.622(c) of the Department's Manual of Policies and Procedures presently requires that AFDC recipients receive other earned income in the month of receipt of an Earned Income Tax Credit (EIC) payment in order to be entitled to certain work related deductions from earned income allowed by federal and state regulations.
2. In a letter dated October 8, 1986 the Legal Aid Society of Santa Clara County requested that the Department cease applying Section 44-113.622(c) alleging that it was not consistent with the provisions of federal law.
3. In response to the letter, the Department thoroughly reviewed the federal law and regulation (42 USC Section 602(a)(8)(A)(ii); 45 CFR 233.20(a)(11)(i)(B)) and determined that the Department's regulation was inconsistent with the federal provisions. Since an EIC payment is defined as "earned income" (45 CFR 233.20(a)(6)(IX)) the work related deduction for earned income should be applied to it. It was concluded that the requested regulation change should be made.
4. EIC payments are frequently received as part of an individual's income tax refund. Consequently, many individuals will be receiving these payments soon after January 1, 1987. There was insufficient time to process this regulation change on a regular basis and still be effective by the time the first income tax returns are received. Unless this regulation is adopted on an emergency basis AFDC recipients who receive an EIC payment but no other earned income that month will not be allowed the work related deduction from income for which the Department has determined they are eligible. As a result, such families will not receive the full amount of AFDC to which they are entitled.

INITIAL STATEMENT OF REASONS

a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations Are Intended to Address

Section 44-113.622(c) of the Department of Social Services Manual of Policies and Procedures requires that AFDC recipients receive other earned income in the month of receipt of an Earned Income Tax Credit (EIC) check in order to be entitled to certain work related deductions which adversely affects recipients. This regulation is inconsistent with existing federal and state regulations regarding the treatment of year-end EIC payments received by AFDC recipient. The repeal of this section would resolve the inconsistency entitling a recipient to the \$75 work expense disregard, whether or not the recipient received other earned income in the month that the EIC payment is received.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Specific Purpose:

It is proposed that MPP Section 44-113.622(c) and handbook reference therein be repealed because both the regulation and handbook material are inconsistent with existing federal and state regulations. Specifically, the existing example and footnote in Section 44-113.622(c) are inconsistent with 45 CFR 233.20(a)(6)(ix) and 45 CFR (a)(11)(iii) and MPP Sections 44-101.527, 44-113.622(a), and 44-113.214.

Factual Basis:

Section 44-113.622(c) provides that the standard work expense disregard of \$75 is applicable only when other earned income is received at the time the EIC is received. According to existing federal and state regulations, an EIC payment is earned income to the recipient in the month that it is received (45 CFR 233.20(a)(6)(ix)) and as such, a recipient who receives an EIC payment is entitled to the \$75 work expense disregard (45 CFR (a)(11)(iii)), whether or not the recipient received other earned income in the month that the EIC payment is received.

c) Identification of Documents Upon Which Department Is Relying

45 CFR 233.20(a)(6)(ix)

45 CFR 233.20(a)(11)(iii)

Legal Aid Society of Santa Clara County Letter, October 8,
1986

d) (Reserved for Testimony and Response)

e) Local Mandate Statement

These regulations do impose a mandate on local agencies but not school districts. However, the mandate does not require reimbursement under Section 2231 of the Revenue and Taxation Code because these regulations will result in a cost mandated by the federal government as defined in Government Code Section 17513.

f) Statement of Potential Cost Impact on Private Persons or Businesses

The State Department of Social Services (SDSS) finds that the repeal of this regulation will not result in any cost on private persons or businesses.

g) Small Business Impact Statement

SDSS finds that the repeal of this regulation will not result in any cost impact on small businesses.

Repeal Section 44-113.622(c) to read:

44-113 NET INCOME (Continued)

44-113

•6 Reconciliation of Advanced Earned Income Credit (EIC) to Year-End EIC. (Continued)

•62 Reconciliation Methodology (Continued)

•622 (Continued)

(c) Example:

- The year-end EIC payment is \$500.
- The wife worked for one month during the tax year and is not working when the payment is received.
- The husband received the 30 and 1/3 disregard for four months and is employed full-time earning \$600/month when the year-end EIC payment is received.
- Both the husband and the wife are members of the FBU when the year-end EIC payment is received.

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	WIFE	HUSBAND
Share of EIC *	\$250	\$250
Plus Other Earnings	<u>+\$0</u>	<u>+\$600</u>
Subtotal	\$250	\$850
Minus Standard Work Expense Disregard **	- 0	- 75
Minus Dependent Care Disregard (no expense)	- 0	- 0
Minus 30 and 1/3 Disregard ***	<u>-103</u>	<u>= 0</u>
Subtotal	\$147	\$775

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Plus Unearned Income + 0
Net Nonexempt Income \$147 + 0
 \$775

Husband \$775
Wife +147

\$922 Total net nonexempt
 income for use in the
 lump sum computation
 in Section 44-207.4

- * Year-end EIC is split between the husband and wife when both were earners in the tax year. If only one spouse worked during the tax year, the year-end EIC is attributable only to that earner.
- ** The standard work expense disregard is applied only when other earned income is received at the time EIC is received.
- *** The \$30^{1/3} and, as applicable, the \$30 disregard is applied only if there is eligibility to the disregard when the EIC is received.

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Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: 42 USC 602(a)(8)(A)(ii), 45 CFR 233.20(a)(11)(i)(B), and 45 CFR 233.20(a)(6)(IX).

SUBMITTED FOR REVIEW

DEC 19 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
DEC 29 1986

For use of Office of Admin Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

EMERGENCY

Department of Social Services

(AGENCY)

John S. McHugh

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 12-17-86

FILED

In the office of the Secretary of State
of the State of California

DEC 29 1986

At 5:18 o'clock P.M.

MARCH FONG EU, Secretary of State

John Q. Nease
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See Instructions)

TITLE

TELEPHONE

Rosalie Clark, Chief, Regulations Development Bureau

445-0313

2. Type of filing, (check one) 30-day Review Emergency Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
 Nonsubstantive changes with nonregulatory effect Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

SECTIONS ADOPTED:

Title MPP

SECTIONS AMENDED:

42-213.12, .124, .125; 44-111.45; 44-207.44, .45; 44-350.14, .2; 44-352.2, .3, .44

SECTIONS REPEALED:

APPROVED

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- prior to the emergency adoption
 within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

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- Fair Political Practices Commission (Include FPPC approval stamp) Building Standards Commission (Attach approval)
 State Fire Marshall (Attach approval) Department of Finance (Attach properly signed Std. 399)
 Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER b. DATE OF FINAL AGENCY ACTION DEC 17 1986 c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. Effective 30th day after filing with the Secretary of State.
b. Effective upon filing with the Secretary of State January 1, 1987.
c. Effective on _____ as required or allowed by the following statute(s):
d. Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
e. Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

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- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list section number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
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- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
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 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
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 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
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- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.*
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.


LINDA S. McMAHON
Director

FINDING OF EMERGENCY

These regulatory provisions are necessary for the immediate preservation of the public peace, health, and safety within the meaning of Government Code Section 11346.1 and shall go into effect on January 1, 1987. The facts constituting the emergency are:

The reference for the regulations which are being amended ends on December 31, 1986.

The reference for the amendments to the regulations becomes operative January 1, 1987.

The act which these regulations implement (Chapter 1402 of the Statutes of 1986) was not signed by the Governor until September 29, 1986. This late passage leaves insufficient time for the drafting of regulations, the orderly adoption after notice and public comment, and the ability of county welfare departments to then apply the rules to applicants and recipients prior to January 1, 1987. Without the effective date of January 1, 1987 eligible applicants would be denied benefits and eligible recipients discontinued. Also, without the effective date of January 1, 1987, those families who do not spend their lump sums of income on life threatening emergencies, but to whom the lump sum becomes unavailable through no fault of their own, will not be eligible to have their periods of ineligibility shortened.

Therefore, in order to have regulations consistent with law, and to enact the more liberal rules of Chapter 1402 of the Statutes of 1986 so that the AFDC caseload receives the benefits of its liberalized rules when they are eligible rather than retroactively, these regulations must go into effect on January 1, 1987.

PUBLIC NOTICE

March 18, 1987 Public Hearing

Item #3: FEDERAL DEFICIT REDUCTION ACT OF 1984 (DEFR A) - STATE OPTIONS

CHAPTERS: 42-213, Property Items to Be Excluded in Evaluating Property which may be Retained; 42-111, Payments Excluded or Exempt from Consideration as Income; 44-207, Income Eligibility; 44-350, Overpayments - General; and 44-352, Methods of Overpayment Recovery.

INFORMATIVE DIGEST: These proposed regulations would implement, interpret, or make specific the provisions of Assembly Bill (AB) 3741, Chapter 1402, of the Statutes of 1986. AB 3741 amended Welfare and Institutions Code Sections 11094, 11098.1P, 11157, and 11257.5 and provided the authority for the State Department of Social Services (SDSS) to implement the following four state options under the Federal Deficit Reduction Act of 1984 (DEFR A): 1) a family may retain real property for nine months if the family is making a good faith effort to sell the property; 2) for disregarding from consideration as income or resources the value of any support and maintenance provided in kind by a private nonprofit organization; 3) for waiving the recoupment of nonfraudulent overpayments less than \$35 from any former AFDC recipients. When the nonfraudulent overpayments total \$35 or more, the county shall waive collection after reasonable, cost-effective efforts have been made to collect the overpayment; and 4) for shortening the lump sum period of ineligibility when the standard of need increases and the amount the family would have received also changes, the lump sum income or a portion thereof becomes unavailable to the family for a reason beyond the control of the family, or the family incurs and pays for medical expenses. Existing state regulations must be amended or established to implement the four state options.

Existing regulations in Sections 42-213.12, .121(b), .124(b)(1), and .125 provide a six-month time period within which real property may be exempt from consideration as a resource if the family is making a good-faith effort to sell the property. These existing regulations would be amended to change from six months to nine months the time period within which real property may be exempt from consideration as a resource if the family is making a good-faith effort to sell the property. Section 44-111.454 would be adopted to exempt as income any in-kind income provided by a

private nonprofit organization and further defines private nonprofit organization to include religious, charitable, educational, or other organizations described in Section 501(c) of the Internal Revenue Code of 1954. Existing regulations define when the lump-sum period of ineligibility may be shortened. Section 44-207.44 would be amended to broaden and redefine when the lump-sum period of ineligibility may be shortened and specify that CWD actions must be consistent with general AFDC program principles of gathering evidence when verification of expenditures are requested. Section 44-207.45 would be amended to specify the two different calculations to be used when computing the lump-sum period of ineligibility. Existing state regulations require the CWD to take action to recoup all nonfraudulent overpayments from former recipients. The proposed regulations would amend Section 44-350.14 by establishing the requirement that the county shall not demand collection of nonfraudulent overpayments totaling less than \$35 from individuals no longer receiving aid. When the nonfraudulent overpayments amount owed by an individual no longer receiving aid is \$35 or more, the county shall send a demand notice for the repayment and no further collection efforts would be continued unless the county determines that the cost to collect the overpayment does not exceed the amount to be recovered. This section further requires the county to maintain information regarding the uncollected overpayments in case the individual again becomes a recipient. Existing regulations do not define "nonfraudulent overpayments." The proposed regulations would add Section 44-350.2 to define nonfraudulent overpayments as an overpayment which is not determined to be fraudulent pursuant to WVR 20-003.1. As previously stated, existing regulations require the recoupment of all nonfraudulent overpayments from former recipients. The proposed regulations would amend Section 44-352.2 to specify that the collection of nonfraudulent overpayments of less the \$35 owed by individuals no longer receiving aid are not demanded and the collection efforts for nonfraudulent overpayments of \$35 or more owed by individuals no longer receiving aid would be reduced if the county determines that the amount to be recovered exceeds reasonable administrative costs for recovery. Sections 44-352.3 and 44-352.44 would be amended to provide cross-references to the recoupment exemptions established in Section 44-352.2.

COST ESTIMATE:

1. Costs and Savings to State Agencies: No net fiscal impact.
2. Costs and Savings to Local Agencies or School Districts: No net fiscal impact.

3. Nondiscretionary Costs or Savings to Local Agencies: No net fiscal impact.

4. Federal Funding to State Agencies: No net fiscal impact.

LOCAL MANDATE STATEMENT: These regulations impose a mandate on local agencies, but not on local school districts. However, there are no state mandated local costs in this order that require reimbursement under the laws of California because these regulations will result in no net fiscal impact.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES: The Department has determined that these regulations will have no cost impact on private persons or businesses.

SMALL BUSINESS IMPACT STATEMENT: The Department has determined that these regulations will have no adverse fiscal impact on small businesses.

AUTHORITY AND REFERENCE CITATIONS: These regulations are proposed for adoption pursuant to the authority granted in Welfare and Institutions Code Sections 10553 and 10554. The cited references are: Welfare and Institutions Code Sections 11009(c), 11008.18, 11157, and 11257.5; and 45 Code of Federal Regulations (CFR) Section 233.20(a)(3)(ii)(F).

EMERGENCY STATEMENT: These revisions to welfare program regulations have been adopted by the Department and filed with the Secretary of State on an emergency basis. In order to provide an opportunity for persons interested in submitting statements or arguments orally or in writing, or both, concerning the regulations, a public hearing has been scheduled for March 18, 1987 in accordance with Government Code Section 11376.4(b).

Amend MPP Section 42-213.12 to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING
PROPERTY WHICH MAY BE RETAINED (Continued)

42-213

.1 Real Property to be Excluded (Continued)

.12 Real property, not otherwise excluded, that the assistance unit is making a good faith effort to sell may be exempt from consideration in the resource limit described in Section 42-207 for a period of no more than six nine consecutive months. Any six-month period, which was the maximum period permitted by these regulations as they were effective prior to January 1, 1987, ending on or after December 31, 1986 may be extended to nine months at the recipient's request.

.121 As a condition of receiving aid during the exempt period and prior to the county granting aid, the applicant/recipient shall:

- (a) Grant the county a lien against the property which shall be payable to the county when the property is sold (see Section 42-213.122), and
- (b) Agree in writing to begin immediately to make a good faith effort to sell the property. See Section 42-213.123 for what constitutes a good faith effort. If the applicant/recipient elects not to sell the property at any time prior to the expiration of the six nine months. the property shall no longer be exempt from consideration in the resource limit.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11257.5.

Amend WPP Section 42-213.124 to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING
PROPERTY WHICH MAY BE RETAINED (Continued)

42-213

•1 Real Property to be Excluded (Continued)

•12 (Continued)

•124 Any aid paid during the six nine-month period or until the property is sold, whichever comes first, shall be considered repayable aid at the time of the sale of the property and shall be collectible from the net proceeds of the sale of the property. The amount of repayable aid shall be determined as follows:

(a) If the net proceeds from the sale of the property plus the value of other countable real and personal property at the beginning of the exempt period are less than the resource limit specified in Section 42-207, there shall be no repayable aid.

(1) Example: At the beginning of the exempt period, an assistance unit had \$300 in a savings account in addition to a parcel of land that was not counted in the resource limit under this section. The property was sold for \$8,000. Loans and liens, except for the lien granted to the county under this section, that were secured by the property equaled \$6,000. Costs directly related to the sale were \$1,400. The \$6,000 plus the \$1,400 were subtracted from the gross amount of the sale (\$8,000) to arrive at the net proceeds from the sale of \$600. The net proceeds (\$600) plus the value of other countable resources at the beginning of the exempt period (\$300 in savings account) are less than the \$1,000 limit allowed under Section 42-207. Therefore, there is no repayable aid.

(b) If the amount of aid paid during the exempt period exceeds the net proceeds of the sale

of the property, then the amount of repayable aid is the amount of the net proceeds.

(1) Example: The county did not count the value of a lot with a house that was owned but not occupied by an assistance unit in the resource limit as allowed under this section. At the end of six nine months, the property sold for \$29,000 and the family had received \$3,960 in aid payments. The net proceeds of the sale were determined to be \$3,000. The amount of repayable aid is \$3,000 because the net proceeds were less than the amount of aid paid during the exempt period.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11257.5.

AMEND MPP SECTION 42-213.125 TO READ:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY BE RETAINED (Continued) 42-213

.1 Real Property to be Excluded (Continued)

.12 (Continued)

- .125 The county shall inform the applicant/recipient at the time this exemption is granted that it is time-limited; and, at the end of six nine months the assistance unit will be ineligible if the property has not been sold and the combined value of real and personal property continues to exceed the \$1,000 limit specified in Section 42-207.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11257.5.

Amend MPP Section 44-111.45 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

.4 Exclusions or Exemptions of Other Payments and Income (Continued)

.45 Income In Kind (Continued)

.454 Provided by a Private Nonprofit Organization

Any income in kind, whether a full or partial item of need, provided by a private nonprofit organization shall be exempt as income.

Private nonprofit organizations are religious, charitable, educational, or other organizations such as described in Section 501(c) of the Internal Revenue Code of 1954, which include but are not limited to the Salvation Army, Red Cross, and churches. (Actual tax exempt certification by IRS is not necessary.) Exception: Any assistance provided by Voluntary Resettlement Agencies (VOLAG) as part of their resettlement responsibilities must be considered in determining the refugee's eligibility for aid under the Refugee Demonstration Project (RDP) or Refugee Cash Assistance (RCA) program.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11008.18.

Amend MPP Sections 44-207.44 and .45 to read:

44-207 INCOME ELIGIBILITY (Continued)

44-207

.4 Treatment of Lump Sum Income (Continued)

.44 The period of ineligibility may be shortened when the family does not have income or resources other than the lump sum payment sufficient to meet needs that result from sudden and unusual circumstances of a life threatening nature beyond the control of the ineligible assistance units. All or part of the lump sum income must have been used both to meet the needs of the family prior to the occurrence of the life threatening circumstances and to meet emergency medical, shelter, utilities, clothing and/or food needs that result from such circumstances. when the ineligible family reappears and one or more of the following situations occurs:

- .441 The standard of need increases and the amount the family would have received also changes. This includes any general increase in the MBSAC (COLA increases), or a determination that the ineligible family would be eligible for a special need item pursuant to MPP 44-211.2 or .3.
- .442 The family incurs and pays for medical expenses. This includes any medical expenses that are not covered by Medi-Cal or private medical insurance.
- .443 All or part of the lump sum income becomes unavailable to the family for a reason beyond the control of the family. Lump sum income shall be considered unavailable when it has been spent for items which a family on aid would not be expected to meet from its grant or when it is no longer available to the family due to loss, theft, or similar occurrence.
- (a) Acceptable situations where the lump sum becomes unavailable shall include but are not limited to: theft or loss of the lump sum income; spouse leaves the home with lump sum income and has no further contact with the family; or the lump sum is spent on expenses to meet needs due to sudden and usual circumstances of a life threatening nature.

- (b) Unacceptable situations when the lump sum becomes unavailable shall include but are not limited to: the lump sum is spent on the repair of the home or replacement or repair of essential needs of major appliances due to normal wear and tear; the lump sum is spent on an increase in utility costs and rent; or the lump sum is spent on the purchase of additional property (real and personal).
- (c) In situations where the ineligible family would be eligible for a special need item pursuant to .44-211.3, the period of ineligibility is shortened first according to the provision in .441 above and if the expense of the need item is more than the specified amount, then provision .443 is followed.

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For example: An ineligible family's house is destroyed by a fire in May. They must pay first and last month's rent (a total of \$600) for housing and a utility deposit of \$100. The family received a lump sum of \$2000 in February, the standard of need is \$400. The family is ineligible for five months, April through August. They apply to shorten their period of ineligibility in May. The family's total expenses in May are \$700; they are eligible for a nonrecurring special need of \$600 and \$100 of their lump sum income was unavailable to the family for a reason beyond their control. The period of ineligibility is recalculated as follows: $\$2000 - \$700 = \$1300$. $\$1300 \div \$400 = 3$ months plus \$100 remainder. The family's period of ineligibility is from April through June; \$100 would be counted as income in July.

- (d) Once it is determined that the lump sum income becomes unavailable to a family for reasons beyond its control, the county must substantiate such a finding in the case record.

- .45 Verification of expenditures for emergency items or services shall be provided by the ineligible family unit at the county's request. The principles and methods of gathering evidence as set forth in 40-157.2 and 40-157.3 shall be observed.
- .46 When the lump sum income is used to meet needs resulting from life threatening circumstances as set forth above one of the above situations is applicable, the county shall apply the following computation to reduce the period of ineligibility:
- .461 When the standard of need increases (COLA or eligibility for recurring special need):
- a. Determine the total lump sum income and any other net nonexempt income received in the month lump sum income was received.
 - b. Subtract the total MBSAC plus any special needs amount the ineligible family unit was allocated to meet their needs from the first month of ineligibility up to the month the MBSAC increases.
 - c. Use the remainder from this subtraction for the lump sum income amount. Divide the remainder by the increased standard of need to establish a revised period of ineligibility. (See Section 44-207.42.) The revised period of ineligibility shall begin in the same month as the originally calculated period of ineligibility. The revised period of ineligibility is the sum of the number of ineligible months up to the month of application for shortening the period of ineligibility and the new period of ineligibility.
 - d. When the remainder is less than the MBSAC for the family (including any excluded person) plus special needs for the assistance unit, the amount shall be counted as income in the month following the period of ineligibility.

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Example: The assistance unit receives a lump sum of \$10,000 in August 1986. The standard of need is \$500. The family is ineligible for 20 months, October 1986 through May 1988. In July the standard of need increases to \$600. The family applies to shorten the period of ineligibility in July 1987. The recalculation done in July would be done with the assumption that \$5,500 (\$10,000 - \$4,500) of the lump sum income was still available since the family should have budgeted \$500 for October 1986 through June 1987 (9 months x \$500 = \$4,500). The \$5,500 is divided by \$600. The family is ineligible nine more months, July 1987 through March 1988; \$100 would be counted as income in April. The period of ineligibility has been shortened by two months.

- 462 When the lump sum income becomes unavailable to the family for a reason beyond the control of the family or the family incurs and pays for medical expenses or the family is eligible for a nonrecurring special need:
- 44ta. Add the lump sum income and any other net nonexempt income received in the month the lump sum income was received.
- 44tb. From this total, subtract the amount of the nonrecurring special need or the amount actually used by the ineligible family unit to meet needs resulting from life threatening circumstances the unavailability of the lump sum or the medical expense.
- 44tc. Use the remainder from this subtraction for the lump sum income amount and apply the lump sum income calculation to establish a revised period of ineligibility. (See Section 44-207.42.) The revised period of ineligibility shall begin in the same month as the originally calculated period of ineligibility.

.444d- When the remainder from this subtraction is less than the MBSAC for the family (including any excluded person) plus special needs for the FBU, the amount shall be counted as income in the month following the period of ineligibility.

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Example: Same case situation as the example in .461 above. The family is eligible for a nonrecurring special need item in April 1987. The family applies to shorten the period of ineligibility in April 1987. $\$10,000 - \$500 = \$9,500$. The $\$9,500$ is divided by $\$500$. The new period of ineligibility is 19 months with no remainder.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11157; 45 CFR Section 233.20(a)(3)(ii)(F).

Amend MPP Section 44-350.14 to read:

44-350 OVERPAYMENTS -- GENERAL (Continued)

44-350

.1 General (Continued)

.14 The county shall take all reasonable steps necessary to promptly correct and collect any overpayments that are known to the county. This includes recovery of overpayments due to either applicant/recipient and/or county administrative errors, with the following exceptions:

.141 The county shall not demand collection of nonfraudulent overpayments totaling less than \$35 from individuals no longer receiving aid. Where the nonfraudulent overpayment amounts owed by the individual no longer receiving aid is \$35 or more, the county shall send a demand notice for repayment. No further collection efforts shall be made unless the county determines that the cost to collect the overpayment does not exceed the amount to be recovered.

Counties shall maintain information regarding the uncollected overpayments to enable recougment should the individual reapply.

Costs which counties shall consider when determining the cost effectiveness to collect are total administrative and personnel costs, legal filing fees, investigative costs, and any other costs which are applicable.

.142 See exception at Section 42-730.324(b) regarding waiver of overpayments when a recipient stops participating in a GAIN preemployment work assignment before an adjustment to required work hours has been made.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11004(a).

Amend MPP Section 44-350.2 to read:

44-350 OVERPAYMENTS -- GENERAL (Continued) 44-350

.2 Definitions (in Alphabetical Order) (Continued)

- j1) Nonfraudulent overpayment - An overpayment which is not determined to be fraudulent pursuant to MPP 20-003.1.

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MPP 20-003.1 provides that fraud exists when a person, on behalf of himself or others, has:

- (1) Knowingly and with intent to deceive or defraud made a false statement or representation to obtain benefits, obtain a continuance or increase of benefits, or avoid a reduction of benefits.
- (2) Knowingly and with intent to defraud failed to disclose a fact which, if disclosed, could have resulted in denial, reduction, or discontinuance of benefits.
- (3) Accepted benefits knowing he/she is not entitled thereto, or accepted any amount of benefits knowing it is greater than the amount to which he/she is entitled.
- (4) For the purpose of obtaining, continuing, or avoiding a reduction or denial of benefits, made statements which he/she did not know to be true with reckless disregard of the truth.

j2) (Continued)

k1) (Continued)

t2) (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11004(c).

Amend MPP Section 44-352.2 to read:

44-352 OVERPAYMENT RECOUPMENT (Continued)

44-352

.2 Amount That Can Be Recovered

The amount that can be recovered is the total amount calculated under 44-352.11 or 44-352.12*, with the following exceptions:

- 21 Collection of overpayments owed by an individual no longer receiving aid shall not be demanded when:
 - 211 The overpayments are nonfraudulent; and
 - 212 The total amount of the overpayments are less than \$35.
- 22 Where the nonfraudulent overpayments owed by an individual no longer receiving aid totals \$35 or more, the county shall send a demand notice for repayment. No further collection efforts shall be made unless the county determines it is cost effective to collect the overpayment (see MPP 44-350.14).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11004(a).

Amend MPP Section 44-352.3 to read:

44-352 OVERPAYMENT RECOUPMENT (Continued)

44-352

.3 From whom The Overpayment May Be Recouped

- .31 An overpayment may be recouped from one or more of the following, unless specifically exempted under MPP 44-352.2:

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11004(g).

Amend WPP Section 44-352.441 to read:

44-352 OVERPAYMENT RECOUPMENT (Continued)

44-352

.4 Methods of Recovery (Continued)

.44 Civil Judgement

.441 If the recipient or former recipient an individual no longer receiving aid, unless specifically exempted under WPP 44-352.2, refuses or is unable to repay the amount demanded, the county shall refer the case to the appropriate county official for action on a civil judgment.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11004(q).